

Nez Perce County Planning & Zoning Commission
Minutes – Tuesday, August 18, 2015
Lewiston, Idaho

I. CALL TO ORDER

The meeting was called to order at 6:00 p.m. with Chairman Wentworth presiding.

COMMISSION MEMBERS PRESENT: Jim O'Connell, Joe Greco, Terry Kristof, and Shawn Wentworth.

COMMISSION MEMBERS ABSENT: Frank Dillon, Excused; Kristin Gibson, Unexcused; Randy Arnold, Unexcused.

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

II. APPROVAL OF MINUTES

The minutes from the June 16, 2015 meeting were voted on electronically on July 20, 2015. There was no P & Z meeting in July.

III. PUBLIC HEARING

CUP 2015-1 Special Event Center, Winery & Tasting Room, and Bed & Breakfast – A request for a conditional use permit to operate a special event center, winery with wine and beer tasting room and associated retail shop, and bed and breakfast facility, in the Single Family Residential (R-1) zone, on property located at 2621 Grelle Avenue, Lewiston; Parcel #RP00116006000A. Bryan Chambers, Applicant.

Chairman Wentworth asked the Applicant to present his testimony.

BRYAN CHAMBERS, 1808 3rd AVE, POST FALLS, ID testified that he is proposing to take the building and turn it into a special events, beer and wine tasting venue. He said he wants to restore the building back to the condition it should be in.

Chairman Wentworth asked if there were any questions.

Commission Member O'Connell asked if Mr. Chambers lives in Post Falls and if there would be anyone living onsite during and after construction is finished.

Mr. Chambers said when the time comes that the bed and breakfast facility was in place there would be a person there to oversee the operations. He said he does not think there will be someone onsite during construction except during work hours. He said he intends to promote and showcase the local beer and wines. He said he does not have any vineyards of his own at this time anyway.

Commission Member Kristof asked Mr. Chambers how he picked this building for his project.

Mr. Chambers said he has real estate people in this area and they asked him if he would be interested in this building. He said he and his wife came and looked at the building and really liked it. He said they have put the project together as they went along. He said he wants to find out the history of the building so he can showcase that if possible.

Members asked what he thinks the timeframe will be for building, what the hours would be and if he has financial backing.

Mr. Chambers said he is not sure about the exact timeframe but hopes to start on it as soon as possible and have it sealed up by winter. He said the hours would be the normal hours for an event center having a wedding, reunion or corporate party and may run a little later into the evening. He said he thought normally the hours would be until 5 or 6:00. He said whatever lighting they might have would follow the ordinance of it being downward lighting.

Chairman Wentworth asked if there were any other questions.

Being none, Chairman Wentworth asked for the staff report.

Alison Tompkins, Planner said she sent for comments and the County Road Director stated he did not have any issues with the proposed use and there would be room for adequate parking. She said the comments from public health are attached to the staff report. She said there is history there and the applicant would need to be in contact with public health about what is existing and what might need to be done to improve or repair the system. She said they would also need to talk with them regarding the food service part of the project. She said there is a septic system and drainfield in the southeast corner of the parcel that services the adjacent residence to the east. She said that public health has stated they have not been able to find an easement for that in their records. She said public health has a record of 2 more systems on the north side of the property. She said there is a septic system and drainfield and an additional drainfield that was used to let the other drainfield rest. She said this would all be up to public health and Alison said she knows that when a system has not been used for a length of time, the health dept. will check and see if it meets current standards.

Alison stated that in 2012 the U of I did a project on wineries and this was one of the sites. She said there are portions of the U of I project that are part of the application Mr. Chambers submitted, and attached in her staff report. She said there are about 5 acres there so there would be plenty of room for parking. She said this is the only parcel in this area that is zoned Single Family Residential and everything around it is Agricultural Residential. She said it was in the ACI but is not now. She said all of the proposed uses are allowed in the R1 zone with a conditional use permit.

Alison said each of the 3 uses is defined in the staff report. She explained that the narrative of the applicant included a request for a restaurant and possible beer production but said they are not to be considered part of this application being those uses are not allowed in this zone, even with a conditional use permit. She said the Bed & Breakfast is limited to 5 bedrooms. She said the Special Events Center has restrictions in the zoning ordinance regarding noise not being above 75 decibels. She said the Alternative Farm Enterprise does include wineries and they include a tasting room. She said everything is in line with what is permitted in this zone with a conditional use permit.

Alison said some of the potential concerns with the proposed uses would include traffic from guests, noise from events and dust from possible traffic. She said there were no concerns from the NPC Road Dept Director regarding the road or traffic. She stated there were no specific hours of operation or type of road surface at this point. She said the Zoning Ordinance does allow for the P&Z Commission to impose reasonable conditions such as noise, hours of operation or dust control for example.

Alison said there is mainly cropland around this parcel except for the one residence to the southeast that has the drainfield they use that is on this parcel. She said this is about a 2.8 acre parcel with a single family residence.

Alison said the Comp Plan designates this as Urban Land, City Impact Area but said this is no longer City Impact Area as of May, 2015. She said this land is used or projected for intense development which includes rural residential and neighborhood uses. She said the purpose is to apply standards that are applied in the City.

Alison said there are goal statements in the Comp Plan that support this use. She said one is that the County should provide opportunities within the unincorporated areas of the County for additional residential, commercial, and industrial development as required to support future growth. She said another goal is to protect and preserve special scenic and recreational assets of the County, while ensuring their continued use and enjoyment. She said part of the project the U of I students did was to take advantage of the scenery, views, and aesthetics and this is shown in the pictures that are part of the application.

Alison said her recommendation is for approval with conditions. She said the two conditions are included in the staff report. She said they would be 1) for this CUP for be only for Bryan Chambers, the Applicant, and if another person should buy the property, they would need to submit their own application for a CUP. She said 2) the property owner should implement dust control measures on an as-needed basis for any surrounding property owners.

There was discussion regarding the hours and if that is regulated in the zoning ordinance. Being it is a special events center; the hours are not included in Section 8.5.I regarding events centers. The prior uses of the building were discussed and stated the only use in the past few years were it being used for a haunted house a couple of times.

Chairman Wentworth asked if there were any questions.

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

Being none, Chairman Wentworth asked for testimony in opposition.

JOE WAGNER, 2795 GRELE AVE, LEWISTON, testified there is a house to the southeast but said it was not mentioned that they have a farm shop to the northeast of the property. He said the dust is not an issue to them as they can make dust with one swipe of the tractor and that would be more dust than them driving in and out but said that drive is paved anyway.

Mr. Wagner said their concern is for their shop and equipment. He said they have seen owners come and go for at least 35 years and nothing seems to stick there. He said their concern is for the equipment in the shop being that is their main shop.

Commission Member Greco asked if their main concern is for people coming onto their property at night.

Mr. Wagner said that was their concern for their shop and the equipment. He said he would like to see it taken down and a single family residence built there but he does not have a problem if the proposed project is completed as stated. He said the winery that went in out in that area is a very nice addition to the area and this could be too.

BERT HENRICKSEN, 2810 POWERS, LEWISTON, testified that the structure was built by the County as a poor farm about 1929. He said after the poor farm was not needed due to government programs, it became Neva's nursing home. He said it had disadvantaged people in it and then he said it went empty. He said he remembers there being a dairy operation and a garden. He said it was a nice small farm operation and the people that lived there took care of it. He said it will take some deep pockets to restore it today.

KATHLEEN SCHOCK, 3519 28TH ST, LEWISTON, testified she wants to know what impact this will have on the residents and if they will need to have a fire department. She asked if their taxes are going to be affected. She said she wonders if a wedding or graduation goes a little

long and they have asked people to leave and they don't, will they need more police and will ambulance cost increase. She said she does like the winery out on Powell and it being away from the residences.

There was discussion about the risk when the building stays undeveloped and abandoned.

Commission Member O'Connell said the NPC fire department can serve that area. There was discussion if this area is grandfathered in to the Lewiston Orchards fire department and that the City might serve that area.

Commission Member Greco stated that he lives on Grelle and he has not had a problem with any traffic from McIntosh's. He said the sheriff deputies drive that road frequently anyway.

RICHARD WAGNER, 650 21ST AVE, LEWISTON, testified he has seen many people try to do something with that place and if they try and don't know what they are doing, they will make it worse. He said he talked to a contractor and they said they would tear it down and just build a house there and that would be the easiest to do.

Chairman Wentworth asked if there was anyone else that wanted to testify.

Alison said in response to Kathleen's question regarding the taxes, she said that is based on what the property owner is doing or improving on their own property.

Alison said regarding enforcement, if a condition or zoning requirement is violated, the property owner would be notified to remedy the violation first. She said we would look into a complaint for documentation of a violation.

Being no further questions, Chairman Wentworth asked for rebuttal from the Applicant.

Mr. Chambers said he may be crazy but he has done more with a lot worse project and does not feel this is tear down material. He said there have been some pricey improvements that have already been done that include the sprinkler system and the front and rear fire hydrants. He said there is a paved driveway in and around the place. He said the house next door and any others around already see their share of dust from the farming in the area.

Commission Member O'Connell said as long as he has been on the P&Z Commission, he has never heard anyone say they are nervous about someone doing something with a building instead of leaving it. He asked Mr. Chambers if he has the resources to do this project.

Mr. Chambers said he does have the resources to do the remodel.

Chairman Wentworth asked for discussion amongst the members.

Commission Member Kristof said that nothing good comes easy and it will be a challenging project. She also asked how many jobs this facility would generate when it is finished.

Commission Member O'Connell said he is working on a big project and it can be done if you try and if you have resources.

Mr. Chambers said he is not sure at this point the number of employees. He thinks maybe up to 10.

There were questions and discussion about Mr. Chambers moving here and working himself and if he had a business plan. He said he has a business plan, he will be here some but is not planning to relocate here. He said he has not done a bed and breakfast before but said a building is a building and marketing is marketing.

Chairman Wentworth closed the public hearing and asked for deliberation with each member stating why they agree or disagree with the CUP.

Commission Member O'Connell said it meets the criteria of the Comp Plan and said he likes to see business out in the County. He also said all the concerns have been addressed. He said the road is paved so dust would not be an issue. He said the hours of operation can't really be addressed not knowing what the operation is yet.

Commission Member Kristof said she can't see any reason why not to give the Applicant the opportunity to do this project.

There was discussion that the residents of the only house around and at the southeast end of the property and those people were not present tonight with any concerns. The drainfield of the neighbors that is on the Applicant's parcel came up but was stated that issue is up to the health dept.

Commission Member O'Connell made a motion to recommend approval of CUP 2015-1; motion was seconded by Commission Member Kristof. Motion passed unanimously.

There was discussion regarding conditions of approval, but none were voted on. There was discussion regarding the site and the area amongst the members but was not part of the public hearing.

IV. WORKSESSION: COMPREHENSIVE PLAN MAPS

Alison said there did not need to be a lot of time on the maps but she wanted them to review them and let her know if they see any errors, additions or changes that need to be done. She said Bill Reynolds is doing the maps so there will be maps to support all the sections in the Comp Plan.

She said the first map is a density map, and she would like to see rounded off numbers on the legend.

She said the zoning map may help identify areas for change and the yellow are the platted communities such as Leland.

The ACI Maps were discussed and it was stated that ACI areas are required by State Code. The intent for ACI's is to implement City standards in case the area is annexed by the City. Alison said according to the Comprehensive Plan, an ACI is considered 1 mile around a City. If there is no formal agreement with a city, like Peck or Lapwai, P&Z can identify ACI's in the existing/future land use maps and the buffer could be less than 1 mile. All Members agreed that ¼ acre out from city boundaries was adequate.

Discussion of when Comp Plan would be done and Alison reminded Members that a lot of the text part has been done. She said the maps and only a couple more text sections were left to do.

V. OTHER BUSINESS OR CONCERNS

Chairman Wentworth asked if there was any other business.

Alison said she was fairly sure the September 1, 2015 special meeting was going to be cancelled due to the City taking issue with the proposed text amendment. She said it is written that text amendments and zone changes have to be jointly approved by the County and the City in the Lewison ACI. She said after all the zone changes we have had, we wanted to change the language to read that only the County had to approve. She said Nance and Jana, the City Attorney, worked together and when Alison requested comment from the City, Laura had a problem with it. Laura told Alison she thought it only applied to zone changes and not to text amendments. Alison said the City still wants text amendments to be jointly approved. Commission Member O'Connell asked what the County thinks of this. Alison said Nance said the idea was to streamline the process and that is not the case if it has to be approved by both the City and the County because of the time that would take. Alison said all the changes that were accomplished are a good thing but this is one little thing that got missed so the Attorneys are working to figure out the next step.

Being none, Chairman Wentworth asked for a motion to adjourn the meeting.

Commission Member Greco made a motion to adjourn the meeting; seconded by Commission Member Kristof. Motion passed unanimously.

VI. ADJOURN

Being no further discussion to come before the Commission, the meeting was adjourned at 7:15 P.M.

Respectfully Submitted,

Connie Bell, Planning & Building
Senior Customer Service Specialist

APPROVED:

Chairman/Vice Chairman
Nez Perce County Planning and Zoning Commission