 Port of
Lewiston

Strategic Plan

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“The Port’s strategic plan is our road map to the future. It is our management tool that serves as a framework for future decisions that Port commissioners, managers and employees may become engaged in. Of equal importance, the Port’s strategic plan is also an essential tool to provide transparency, benchmarking, and performance monitoring.”

--Jerry Klemm, Port Commissioner

“Planning gives us a compass with which we can make decisions regarding the direction the Port should be heading and what projects are most critical to our future.”

--Mary Hasenoehrl, Port Commissioner

Core Values

Economic Conduit

We will serve as a conduit for public/private investment and ideas to improve the economic stability of the region.

Fiscal Responsibility

The Port will manage public assets in a fiscally responsive manner.

Leadership

We will be an example of strong leadership for our community.

Partnerships

We will build and promote partnerships for the economic benefit of our communities.

Port Vision Statement

A vision statement is a desired future state communicated in present tense. It serves as a destination point of where the Port wants to be in five years. What does the Port look like five years from now? How is it perceived? What is it focused on?

The Port of Lewiston is a respected leader contributing to the region's economic growth and vitality; a model of excellence for transportation, international trade, infrastructure development, and job creation.

Port Mission Statement

A mission statement describes an organization's purpose and reason for existence. It shares what the Port engages in and how it carries out its work and services.

As Idaho's only seaport, the mission of the Port of Lewiston is to develop and manage assets and services that stimulate regional job creation and trade while enhancing the quality of life for Nez Perce County residents.

Strategic Planning Process

The Port commissioners and staff undertook a strategic planning process, facilitated by a local strategic and organization development company, Northwest Leadership Strategies. The purpose of this process was to identify key focus areas along with strategic goals and objectives. Strategic planning provides consistency and continuity with former and current plans, prioritization of projects and services and a framework for budgeting cycles. The adopted strategic plan will help guide commissioners and staff as a communication tool for the local community and others interested in Port projects and services.

Contributors:

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Mary Hasenoehrl, Port Commissioner
Mike Thomason, Port Commissioner
David Doeringsfeld, General Manager
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Process Outline:

Phase 1 – Core Values, Vision and Mission Statements
Phase 2 – Key Focus Areas, Strategic Goals & Objectives
Phase 3 – Mini-business plans for site and facility development
Phase 4 – Writing and adoption of strategic plan

"The Port has a long history of strategically planning for the economic benefit of our region. We are the current recipients of that work evidenced by the creation of hundreds of jobs and growth in our tax base. It's now our charge to continue that effort for the benefit of future generations." --Mike Thomason, Commissioner

History

On March 16, 1931, Senate Bill 116 passed and authorized ports in Idaho. No additional action was taken until 1958 when the Port of Lewiston was established by an 80% favorable vote of the citizens of the Port District, which is defined as Nez Perce County. In December 1969, the Port commission adhered to Idaho Codes 70-1601 and 70-1904 by adopting a comprehensive plan. The Idaho Code recognizes that port districts will need to alter such plans and states that, “such plan need only be in general terms.” (1969, Ch. 55, §112, p. 144.) This strategic plan is intended to provide the basic structure for updating the comprehensive plan per Idaho Codes 70-1603 and 70-1906.

Under Idaho codes 70-1101, 70-1501, 70-1503, 70-1802, 70-1901 and 70-2102 the Port of Lewiston is authorized to:

- Acquire, maintain, and operate land, facilities, and equipment for industrial and economic development.
- Finance and construct facilities and services reasonable to the operation of a modern efficient and competitive port including industrial and economic development facilities of any kind or nature which maintain or increase employment opportunities in a port district.
- Develop and regulate harbor improvements.
- Develop and regulate land and water transfer and terminal facilities.
- Develop industrial and economic development facilities of any kind or nature which maintain or increase employment opportunities in a port district.
- Operate any and all port property or facilities either within or without the boundaries of said port district.
- Issue revenue bonds.

The Port District is administered by a Port Commission composed of three representatives elected by voting districts within Nez Perce County. Commissioners serve six year terms, staggered so that an election is held every two years.

The Port levies a property tax within Nez Perce County. The Port derives revenue through a combination of ad valorem taxes, income received from intermodal operations, property leases, warehouse operations, dockage, wharfage, storage and fees.

Land acquisition began in 1965 in North Lewiston and facility construction followed in the early 1970's and continues to the present. With the arrival of slack water, the Port has provided water transportation services since the first barge left the Port dock in 1975. The intermodal status (barge, rail, and truck) of the Port of Lewiston means that it offers lower transportation

costs to a large, previously landlocked region thus encouraging development of the area's resources.

"Federal, state and local dollars are wisely spent on infrastructure at the Port of Lewiston," said Idaho Senator Mike Crapo. "The Port's activities move mountains of grain and freight, driving local commerce. The Port is also responsible for the creation of more than 1800 jobs, enabling the growth of leading companies like Schweitzer Engineering." --Mitch Silvers, Director of Intergovernmental Affairs and Environment to U.S. Senator Mike Crapo

Introduction

As far back as 1958, the Port commissioners and citizens who voted for the Port District envisioned that a terminal port would help solve the persistent transportation problem they felt had held back the development of the region's economy. In 1987, through the Tri-Municipal Agreement crafted between the city of Lewiston, the Port, and Nez Perce County, designated the Port of Lewiston as the lead public economic development agency. The Port was charged with coordinating economic development, business expansion and job creation on an annual budget of \$95,000 that was split equally among the three entities.

In 1997 private businesses pooled their economic development investment with the three public entities and formed Valley Vision, Inc. to focus on marketing, new business recruitment, local business assistance, job expansion and retention. With the creation of Valley Vision, Inc., it then became the lead economic development agency for the Lewis Clark Valley and the community tripled its economic development investment.

Today, the Port of Lewiston serves the community as the primary vehicle for public land acquisition and infrastructure development for economic development projects and activities to support job creation. From 2011 to 2020, the Port invested an average of \$1,047,000 per year into the Port District for economic development activities. This investment consists of \$405,000 in property tax revenues the Port receives annually plus additional revenues generated through Port operations. The Port's current development sites include the Harry Wall Industrial Park, Business and Technology Park and in North Port. Port owned properties consist of approximately 189-acres and its operations are self-sufficient. Property tax revenue is utilized for economic development purposes. Revenue generated from general operations is sufficient to fund all general operations expenses.

“The Port is always looking to adapt their services to meet industry needs. This attitude of serving the customer, and thus the region, has made the Port a major player in economic development, job growth and a hub of industrial activity.”

--Laura VonTersch, Community Development Director, City of Lewiston

Columbia-Snake River System

The Columbia/Snake River System is designated as a U.S. Marine Highway. Located 465 miles inland, river transportation positions the Port of Lewiston as a competitive gateway to reach world markets for the region’s agricultural products exported to the Pacific Rim and beyond. Approximately 90% of soft white wheat grown in the region is exported via the Columbia-Snake River System.



Data from Pacific Northwest Waterways Association

“We intensely utilize the Port of Lewiston facilities; both bulk barge loading to the west coast exporters and container barges to Portland for export worldwide. Dollar savings (barge vs. truck) goes right back to the growers. This additional income is then spent in the surrounding areas: communities from Spokane to Lewiston.”

--Bill Newbry, General Manager, Retired, Pacific Northwest Farmer’s Cooperative

“The Port of Lewiston is a key economic driver in the region, serving as a conduit for the region’s agricultural products to reach Asian markets. The Port’s intermodal services allow area agricultural producers to get products to market quicker, in the most efficient and affordable means possible. Their transportation connectivity is key to the region’s competitiveness in global markets.”

-- Robert L. Lohrmeyer, Past Chairperson, Clearwater Economic Development Association

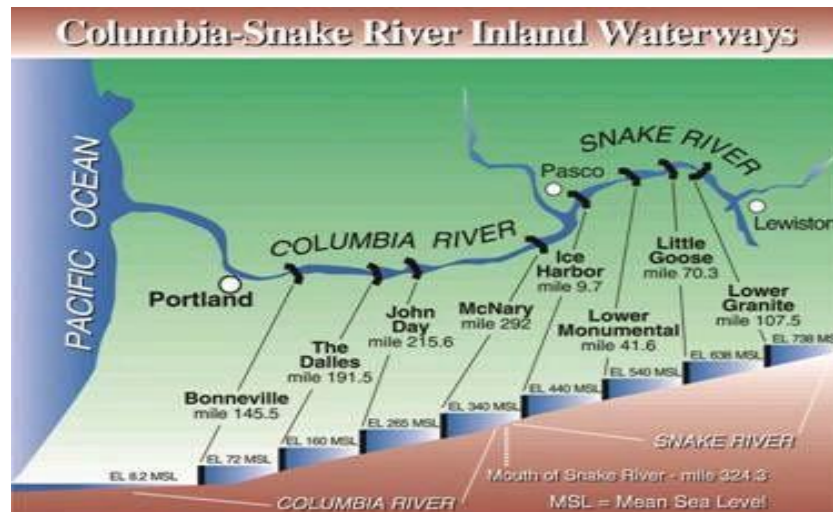
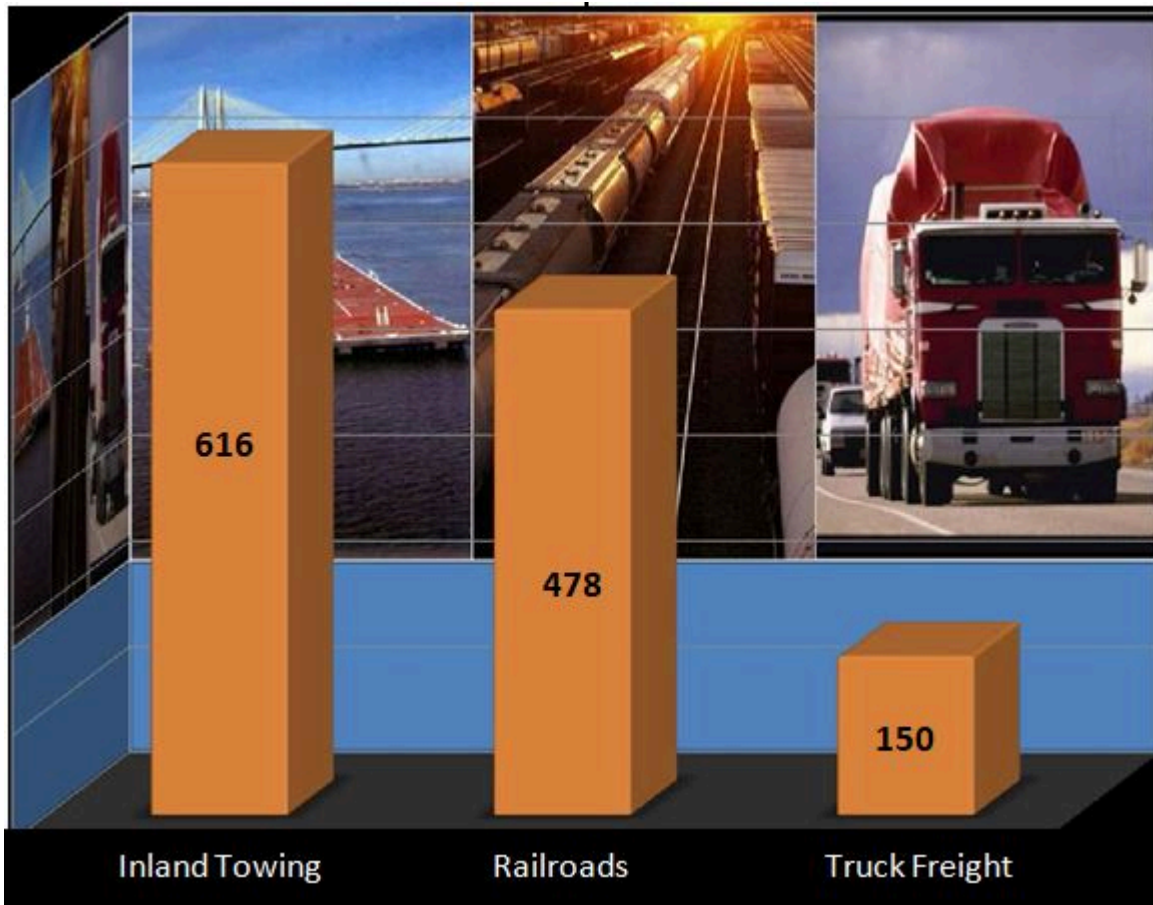


Image provided by U.S.Army Corps of Engineers, via Port of Portland

According to a study conducted by the Texas Transportation Institute, transporting freight by water reduces emissions and is more energy-efficient than other modes. (A Modal Comparison, 2007, p. 34). Barges can move one ton of cargo 616 miles per gallon of fuel, compared to rail cars moving the same cargo 478 miles, and a truck only 150 miles.

Ton-Miles per Gallon, per Mode



Comparison of Fuel Efficiency

Source: Center for Ports & Waterways, Texas Transportation Institute, 2012

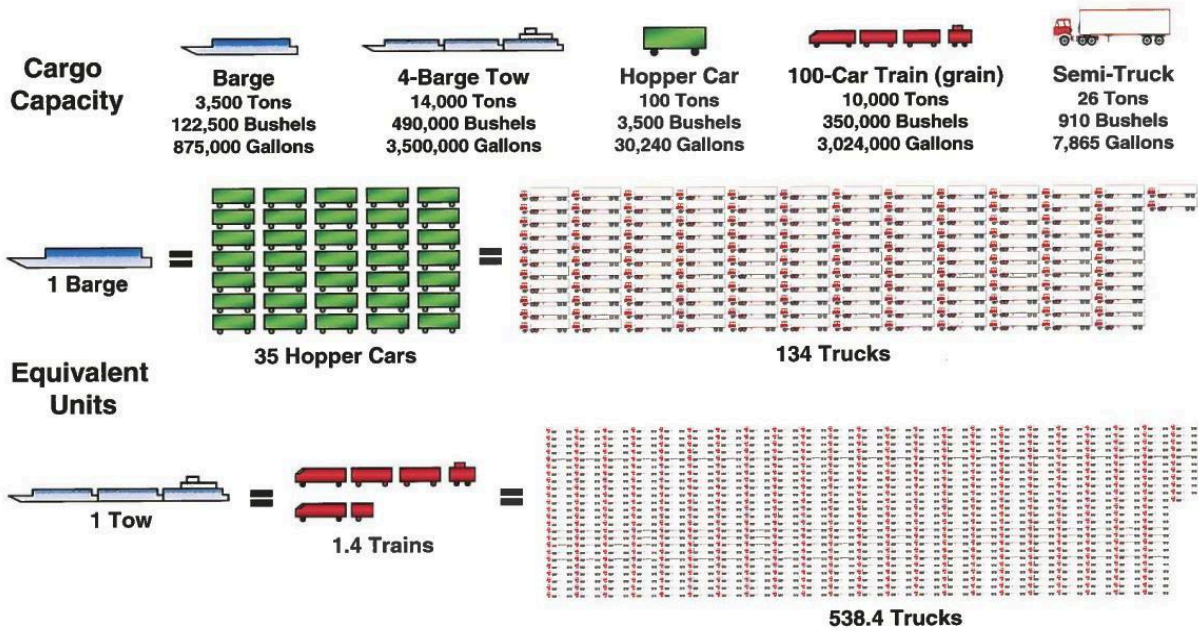
“As a multi-modal transportation hub, including truck, rail, air, and barge, the Port of Lewiston is the only seaport in the State of Idaho. The Port connects our community with the global economy and will continue to play a crucial role in the future economic development of our city and the state.” – Mike Collins, Mayor, City of Lewiston

River transportation helps to ease rail and highway congestion. Based on the cargo capacity comparisons below, just one loaded barge carrying 100,000 bushels of wheat is enough to make approximately 4.3 million loaves of bread.



**US Army Corps
of Engineers**®
Walla Walla District

Compare Cargo Capacities



Source: U.S. Army Corps of Engineers

Economic Development

The Port of Lewiston will continue to play an important role in supporting the region's economic health through job creation and the expansion, retention and attraction of businesses. Economic Development activities play an important role in fulfilling the Port's mission of job creation. Examples of Port economic development activities include:

- Industrial Parks
- Business and Technology Parks
- Business Incubator Facilities
- Infrastructure Development (ie: water, sewer, street, fiber optic, etc.)

In the economic development arena, the Port's primary role is the development of suitable industrial and business parks to allow business to expand or relocate. Today's competitive economic development environment requires that property is suitable for rapid building construction. In a valley, flat land comes at a premium in both development time and cost. When appropriate, the Port continues to develop property that provides private business with suitable building sites that meet business and/or industrial zoning and infrastructure requirements. The Port will sell or lease property depending upon the particular business situation and potential job creation. Port of Lewiston properties as of November 2020 include:

- Northport – 100-acres
- Harry Wall Industrial Park - South– 39-acres
- Harry Wall Industrial Park - North – 26-acres
- Confluence Riverfront Park – 11-acres
- Business and Technology Park – 13-acres

The Port of Lewiston no longer owns property at Southport Industrial Park (south of Lewiston/Nez Perce County Regional Airport). Businesses that benefited from the Southport development include: Vista Outdoor (previously ATK), Bentz Boats, LLC, State of Idaho, Juvenile Detention Center and Tricker Trailer (now occupied by Kash CA, Inc.). Today, over 560 jobs have been collectively created by the businesses in the Southport Industrial Park.

The business incubator program is intended to provide building space for a new business at an attractive lease rate. For example, when a business is ready to move out of a garage and make that next big step, the Port offers building facilities zoned for manufacturing production. The Port incubator program targets businesses that “produce a product”.

A new business enters the business incubator program at an attractive lease rate which is increased over three years to a market rate. After three years, the business is encouraged to

explore moving out of Port facilities, so that another business can enter the program. Examples include: Clearwater Canyon Cellars and Seekins Precision Machine. Demand has been strong for the business incubator program and the Port is interested in developing additional business incubator facilities.

There is no doubt that the vision and commitment of the community and their leaders in the 1950's, to establish the Port of Lewiston, has resulted in significant economic dividends for the Lewis-Clark Valley. The individual economic development roles of the Port, Valley Vision, Clearwater Economic Development Association, the Small Business Development Center, and the Lewis-Clark Valley Chamber of Commerce each fulfill a specific function to complement each other, without overlap. Collectively, they provide the community with a sound structure that business opportunities can develop. The Port is always looking for partnership opportunities with private and/or public entities.

"The Port of Lewiston was instrumental in helping us with reconstructing various areas of a warehouse so that we could better manage our business which in return has allowed us to be an integral piece to the converting end of Clearwater's Pulp & Paper Division. We have always had an exceptional relationship with the Port and have found their willingness to always be open in helping us with space or equipment as needed."

--Blake Randall, General Manager, The Paper Tigers, Inc. – Clearwater Converting Idaho Division

"The Port has been very helpful in the growth of our business and making my dream a reality. Having the support of a proactive landlord to give us the help we needed and having additional space to grow as we needed has been very instrumental in our success. Our business started in our garage and when we started looking for a building it wasn't possible because of high rent cost. Then we found out about the incubator program and were able to lease one bay which was more than we needed, but the cost was very low. When the larger suite opened we were able to expand comfortably instead of taking a huge risk and limiting our growth potential. The lower rent cost also allowed us to use our money to invest in needed equipment and employees to grow instead of paying it towards rent. After just a few short years, our 30+ employees have outgrown the suite and we are in the middle of building a facility of our own to venture into our next step. Without the Port's involvement we would have been somewhat hamstrung renting an expensive small building bounded by its walls instead of realizing our dream."

– Glen Seekins, Seekins Precision

PORT OF LEWISTON

S.W.O.T. Analysis

The current environment of conducting Port operations was assessed through an exercise involving a S.W.O.T. analysis. Described below is a summary of some of the highlights, as identified in the internal and external environments:

Strengths of the Port of Lewiston (Internal)--

The Port is fortunate to have a group of capable, committed and loyal employees that demonstrate a strong work ethic resulting in a very productive, stable and supportive culture. The Port has a history of dedicated and visionary commissioners and managers that have contributed to a solid foundation of successes to build from. Lewiston is the only seaport in the State of Idaho. The Port of Lewiston is well established with multi-modal facilities and array of services. It is considered a leader in infrastructure development and enjoys a positive reputation in local, state and regional communities and organizations. The Port has a reputation of being “business friendly” and has a strong track record for land development projects.

Areas of Weakness/Challenge for the Port of Lewiston (Internal)--

Growth in both the amount and diversity of work will be a challenge for existing staff to accomplish. Training and development of staff is essential. Succession plans for senior management and port commissioners should be undertaken. As the Port’s dark fiber optic network develops, training of commissioners and staff must be an on-going process. Key personnel with specific knowledge of fiber optic networks will need to be retained. Much of the marine operating equipment is aging and plans will need to be made to repair or replace.

Opportunities for the Port of Lewiston (External)--

Many opportunities exist for the Port of Lewiston, ranging from expansion of a regional dark fiber optic network, acquiring additional land and expanding facilities - enhancing existing services and facilities – to engaging in community outreach. The Port is optimistic that container on barge will resume in the future. Similarly, we expect that oversized cargo will be allowed on U.S. Highway 12. Adding Port staff and/or utilizing outside consultants to meet increased work demands is a consideration. Expanding the Business Incubator program, developing Port properties and infrastructure development are all on the horizon. To accomplish these many opportunities, community and regional partnerships must be a focus in coming years.

What may threaten the Port of Lewiston (External)--

The location of Port facilities is often viewed as a strength due to its close proximity to state routes, access to rail, and situated on a river. However, the distance to an interstate highway system can create a disadvantage to the Port. The existing rail system in north central Idaho is not understood by some regional shippers. Maintaining rail service is a challenge. While the Port readily has access to State Highway 95 (N/S) and 12 (E/W), both have experienced legal and infrastructure challenges. Currently, there are restrictions prohibiting trucks from transporting oversized cargo on U.S. Highway 12. At the federal level, decisions regarding dam breaching, funding for transportation/infrastructure and dredging pose potential threats to the level and type of service the Port can provide. Considering global commerce, changes to the size of steamships, the Panama Canal expansion, international shipping patterns, and use of west coast port facilities could impact the Port of Lewiston. In regards to the fiber optic network, the Idaho Legislature continues to consider bills to expand or constrict municipal operations and ownership of telecommunication facilities.

PORT OF LEWISTON

Strategic Goals, Objectives and Tasks

“The strategic plan is a living document that articulates the vision of the Port commission. It serves as a tool providing guidance to Port staff and helps to inform the public about Port development activities.” - David Doeringsfeld, Port of Lewiston General Manager

FOCUS AREA: ECONOMIC DEVELOPMENT

GOAL: *Directly or indirectly provide diverse short and long-term economic opportunities that improve the quality of life for its citizens.*

Objective 1: Maintain 80% occupancy of manufacturing business incubator space.

- a. Advertise in local publications
- b. Inform partners of available space

Objective 2: Annually review expansion of business incubator facilities to include siting and type based on market conditions.

Objective 3: Annually review the Port’s strategy for fiber optic network expansion.

- a. Discuss fiscal needs, internal operations, geographic growth and customer relations

Objective 4: Define economic opportunities for the acquisition and development of property and facilities during the 1st quarter of each year.

- a. Review promotion of business and industrial parks

Objective 5: Participate in waterfront/harbor improvement planning efforts, including recreational and/or industrial opportunities.

- a. Seek grant opportunities to fund development

Objective 6: Meet or exceed environmental standards in development and use of property and facilities.

Objective 7: Participate in local and regional projects, boards or programs led by Economic Development partners, as needed.

FOCUS AREA: INTERNATIONAL TRADE

GOAL: *Serve as the import/export trade center for the region.*

Objective 1: Assist customers with access to global markets.

a. Update resources webpage

Objective 2: Evaluate opportunities to establish an international trade zone.

Objective 3: Partner with trade organizations to promote international commerce through the Columbia-Snake River System and other multi-modal transportation options.

FOCUS AREA: MULTI-MODAL TRANSPORTATION

GOAL: *Create a dynamic regional transportation hub.*

Objective 1: Re-establish and build container volume when the Port of Portland resumes full service.

Objective 2: Explore opportunities to expand breakbulk services.

Objective 3: Allocate funds annually for inter-modal transportation improvements.

a. Marine, rail, roads

b. Allocate funds during annual budget discussions

Objective 4: Advocate for improvements on 6th Avenue North within the next 5 years.

a. Include into LTIP every year

b. Attend and present to city of Lewiston workshops and meetings

c. Provide street core samples

Objective 5: Advocate for regional transportation issues.

a. Attend meetings and communicate with elected officials and agencies involved in river, rail and road regional issues

Objective 6: Construct Port transportation capital improvements as needed.

a. Review and discuss during budget process

Objective 7: Identify opportunities with regional rail stakeholders for network expansion.

a. Explore discussions with Nez Perce Tribe, ITD, Watco, Regional County commissions and private business interests

FOCUS AREA: FISCAL RESPONSIBILITY

GOAL: *Maximize the benefit to Nez Perce County citizens by managing Port assets in a transparent and accountable manner.*

Objective 1: Disseminate financial information throughout Port District on an annual basis.

- a. Distribute through website, open houses, mail and electronic news

Objective 2: Review employee compensation packages on an annual basis.

- a. Include in Budget discussion

Objective 3: Review Port leases at least once every 3 years and adjust to reflect market conditions.

- a. Include in Budget discussion

Objective 4: Through an annual review, minimize property tax revenue portion of the budget while seeking to develop Port assets.

- a. Include in Budget discussion

Objective 5: Review investment structure and strategies of capital reserves on an annual basis.

- a. Include in Budget discussion

Objective 6: Increase annual operating revenue.

- a. Review assets and cash position prior to sale or purchase of land
- b. Create guidelines to assist with the determination for the lease or sale of Port assets

FOCUS AREA: ORGANIZATION DEVELOPMENT

GOAL 1: *Build an organizational culture that respects and supports its employees, ensuring excellence in service to its constituents.*

Objective 1: Allocate funds for professional development and training on an annual basis.

- a. Review required employee certifications
- b. Include in budget discussion, review staff continuing education and software needs.

Objective 2: Review staff and commissioner needs and responsibilities on an annual basis.

- a. Succession plan and on-boarding process for executive leadership and commissioners
- b. Participate in educational opportunities offered through partner agencies
- c. Increase bench strength through utilization of consultants or subject matter experts

GOAL 2: *Increase regional awareness and educate our citizens of the value of Port activities and services.*

Objective 1: Maintain a comprehensive and relevant website.

Objective 2: Increase engagement in strategic community and stakeholder relationships.

- a. Review upcoming city and county meetings and events to consider Port attendance and representation

PORT OF LEWISTON

Fiber Strategic Goals, Objectives and Tasks

FOCUS AREA: OPERATIONAL MATURITY

GOAL: *Advance the concepts of operational self-reliance and sustainability.*

Objective 1: Document and Review Operational Functions by end of second calendar quarter.

- a. Refine functions
- b. Document who is performing those today
- c. Refine a SOP (Standard Operating Procedure) for operations

Objective 2: Review skillset sustainability by end of second calendar quarter.

- a. Align operational functions with a defined skillset
- b. Ascertain where these skill sets reside
- c. Plan for obtaining/retaining the skill sets

Objective 3: Review costs for different operational models as needed, but no less than every two years.

- a. Outsource Model
- b. In House Model
- c. Hybrid Model

FOCUS AREA: BUSINESS MODEL

GOAL: *Review the business model for the Port fiber network.*

Objective 1: Review current financials and reporting by end of second calendar quarter.

- a. Assess current financial data
- b. Assess current reporting
- c. Perform a SWOT (Internal -Strengths & Weaknesses, External -- Opportunities & Threats) analysis on data/reporting
- d. Define any changes needed

Objective 2: Survey Purchasers by end of fourth calendar quarter.

- a. Cellular Companies
- b. Wireline Companies
- c. Enterprise Businesses
- d. Public Entities

Objective 3: Review current products and offering by end of second calendar quarter.

Objective 4: Review business model as needed, but no less than every two years.

- a. Review growth and objectives
- b. Review self sustaining options
- c. Review risk factors

FOCUS AREA: COMMUNITY ENGAGEMENT

GOAL: *Ongoing relationship building between the Port and Regional Community.*

Objective 1: Invite discussion regarding the requirements of Lewiston businesses, residents and public entities.

Objective 2: Invite discussion regarding the requirements of surrounding counties businesses, residents and public entities.

Objective 3: Advocate for the region at the state level.

- a. Participate in appropriate regional, state and federal advocacy efforts.

FOCUS AREA: DEVELOPMENT MODELING

GOAL: *Maximize the benefit to Nez Perce County citizens by managing Port fiber assets in a transparent and accountable manner.*

Objective 1: Identify broadband funding and market opportunities.

Objective 2: Analyze development opportunities.

- a. Create pros/cons of each opportunity
- b. Determine best/worst/most likely scenarios
- c. Determine financial feasibility of each opportunity

Port of Lewiston Marketing Plan

Goal, Objectives, and Strategies

Marketing Goals:

Effectively market the Columbia Snake River System and the Port of Lewiston to support family wage job creation within Nez Perce County.

Focus Areas, Objectives & Strategies:

Inter-modal Transportation

Obj. 1: Promote Breakbulk services on the Columbia Snake River System.

Strategy 1: Identify and participate in trade shows and industry conferences.

Strategy 2: Identify and meet with heavy haul businesses, partner agencies and organizations for the development and expansion of shipping opportunities.

Strategy 3: Advocate for efficient transportation routes (river, rail, and road). Educate shippers concerning current limitations to oversized cargo on regional highways.

Obj. 2: Re-establish and build container volume when Port of Portland resumes full service.

Strategy 1: Maintain personal and verbal contact with customer base.

- Visit customer facilities on an annual basis

Strategy 2: Identify and meet with partner agencies and organizations for the development and expansion of shipping opportunities, including cooperative activities.

Strategy 3: Advocate for efficiency of transportation routes (river, rail, roads).

Strategy 4: Assist customers with their export/import transportation options.

Strategy 5: Maintain evolving resource information on Port's website.

Obj. 3: Identify opportunities with regional rail stakeholder for network expansion.

Strategy 1: Contact railroads and customers/tenants to identify marketing options supporting industry markets and services.

Economic Development

Obj. 1: Maximize utilization of Port properties and facilities to promote business development

Strategy 1: Promote Business Incubator Program.

- Advertise in local publications and provide facility and program information to partner agencies for distribution when space becomes available

Strategy 2: Promote Port Business and Industrial Parks.

- Increase communication with and provide marketing tools to real estate professionals and recruitment/expansion partners (i.e. Valley Vision and CEDA) with education and information about the attributes of Port properties and facilities

Strategy 3: Promote Fiber Optic Network (see fiber optic strategic plan).

- Ensure network map is available to internet service providers
- Meet with customers semi-annually to address their network needs
- Educate citizens on network economic benefits

Obj. 2: Facilitate and educate business on economic development opportunities within the Port District.

Strategy 1: Provide assistance and information resources in the areas of:

- Transportation options
- Property and infrastructure development
- business recruitment and expansion needs
- Maintain inventory of state and local economic development resources/programs on the Port website

Strategy 2: Actively partner with local economic development organizations (i.e. Valley Vision and CEDA) to support local business and industry development.

Communications

Obj. 1: Engage in outreach activities to increase awareness of the Port's role in transportation, economic development and international trade.

Strategy 1: Actively encourage (request) placement on speakers' bureau lists for regional organizations and agencies.

Strategy 2: Improve cross-communication channels with local governmental entities, including attendance at meetings and providing updates/reports. Designate staff/commissioner assignments.

Strategy 3: Improve cross-communication with Pacific Northwest ports including meeting attendance and/or electronic communications.

Strategy 4: Increase attendance and participation at state-level governmental and Idaho trade organization meetings and events.

Strategy 5: Support professional development and training of staff to participate as representatives in outreach activities.

Strategy 6: Enhance Port marketing materials including web, video, print, and other mediums.

Obj. 2: Improve public access to Port information.

Strategy 1: Create and link electronic files of minutes, planning documents and other financial and resource data.

Strategy 2: Ongoing review and updates to Port website content.

International Trade

Obj. 1: Assist customers with access to global markets

Strategy 1: Participate in trade team visits and industry educational activities.

Strategy 2: Maintain up to date resources on the Port website page.

Obj. 2: Partner with trade organizations to promote international commerce through the Columbia Snake River System and other multi-modal transportation options.

Appendix A: Site Development Plans

Harry Wall Industrial Park



The Harry Wall Industrial Park collectively consists of 114 total acres (approx. 88 developable acres). The Industrial Park is zoned “Port” - primarily a heavy industrial zone. Access to the Park is available from State Route 128, which connects to US 12 both east and west of the site, as well as the Old Spiral Highway. The Park is divided by State Highway 128 where property south of the highway is referenced as Harry Wall South; property north of the highway is referenced as Harry Wall North. In 2014, the Port retained an engineering firm to develop a Master Plan for the entire Harry Wall Industrial Park outlining existing conditions and conceptual development opportunities.

Harry Wall Industrial Park South –

When purchased by the Port, Harry Wall Industrial Park South consisted of approximately 88-acres of developable land. Over the years, the Port sold approximately 49-acres to businesses, City and County governments. Of the remaining 39-acres, 6-acres are leased and 33-acres are available for industrial building sites.

Twenty-seven (27) of the 33-acres have all utilities available at the property line. Six (6) acres have all utilities at the property line, except for sewer. These sites have been approved for septic service.

Infrastructure development is basically complete at Harry Wall Industrial Park South. Further plans include adding landscape and aesthetic features such as planting trees, shrubs and construction of entrance signs.

Harry Wall Industrial Park Features & Amenities:

- Zoning: “Port” zone
- Developed ground
- All utilities available on site: electrical, gas, fiber optic, wastewater, and water lines
- Access to State Highway 128, ½ mile from junction of U.S. Hwy 12 and 95
- Close proximity to downtown and waterfront
- Industrial activity
- Proximity to high voltage electric and high-pressure natural gas facilities
- No above ground power/telephone lines

Harry Wall Industrial Park North –

Harry Wall Industrial Park North consists of approximately 26-acres and is currently used as farm ground (zoned Agricultural Transition Zone F-2) and will need to be rezoned prior to development. The Master Plan estimates total construction costs for developing the 26-acre site at \$2.8 million. The Port intends to undertake development of this property when Harry Wall Industrial Park South is closer to being fully occupied.

“I had the pleasure of working with the Port Lewiston on the construction of a commercial package handling facility built for our third party client. At the beginning of the project, there were immediate challenges that our firm faced which required close coordination and interaction with the Port to resolve. The Port of Lewiston’s staff was instrumental in assisting our needs and the needs of our client to help resolve these issues in a timely manner as to not hinder the project’s progress and aggressive timeline. Additionally, these efforts were continued throughout the end of the project to insure the timely extension of the public roadway servicing our property. Throughout the project, our firm has enjoyed working with the Port of Lewiston to provide a quality facility for our client.” – Kip Cockrell, The Westmoreland Company, Inc.

Confluence Riverfront Site



Confluence Riverfront Site –

The Confluence Riverfront Site consists of 11-acres with a shop, barge loading conveyor and barge berthing facilities. In the Congressional 2007 Water Resources Development Act, the Port was authorized to develop the land for industrial and commercial purposes. The site is located at the confluence of the Snake and Clearwater Rivers. A log chip plant (Longview Fibre) previously leased this site from the Port for over 22-years. Currently, two (2) acres of the 11-acre site is leased. The leased property has a large shop with a bridge crane. The wood chip conveyor could be refurbished to load other commodities into barges.

A 7-acre landfill owned by the U.S. Army Corps of Engineers (COE) is located on the west end of this site. The Port owns the surface land, but the COE owns and is responsible for the landfill. Because of the landfill, building construction is difficult. Footings (or anything else) are prohibited from penetrating the landfill cap (approximately 3' to 4' below ground surface).

In 2018, the Port retained an engineering firm to assist with a Master Development Plan specific to the Confluence Riverfront Site. The Master Plan envisioned a cruise boat docking facility, commercial buildings, an RV park and recreational space. The Port does not currently own recreational property and supports a concept that could be enjoyed by both the local residents as well as visitors. The plan estimates total construction costs for developing the 11-acre site (minus the commercial building) at \$14M. Significant grants would be necessary for the Port to undertake the development of the RV park and cruise ship dock. The Port will

aggressively pursue grant opportunities. Going forward, the Port will continue a phased development approach. Infrastructure development for utilities to serve the site are underway.

Confluence Riverfront Park - Features and Amenities:

- Zoning – “Port” Zone
- At the confluence of the Snake and Clearwater Rivers
- Waterfront access
- Recreational opportunities
- Existing barge loading conveyor
- Existing ship berthing area
- Access to State Highway 128, 1-mile from junction of U.S. Hwy 12 and 95
- Close proximity to downtown Lewiston
- Proximity to high voltage electric and high-pressure natural gas facilities

North Port



Description:

Because the Port of Lewiston is the end of the navigable Columbia/Snake River System, the Port represents an affordable, accessible terminal for the import and export of containerized and breakbulk cargo from local, regional and international markets. North Port is also home to the business incubator facility.

Over the years, Port Commissions have developed the North Port area to serve as a modern and efficient multi-modal transportation hub. Barge, rail, truck and warehouse facilities are all located within North Port. Private businesses such as Swift Transportation have a regional trucking hub at Northport. Lewis Clark Terminal, a grain storage co-op, has over 10.2 million bushels of storage and serves approximately 2,700 farm families. Businesses looking to locate in the North Port area should be transportation related.

Infrastructure in the North Port area is fully developed and zoned "Port." The Port Commission and the Lewis-Clark Valley Metropolitan Planning Organization retained a consulting engineering firm to prepare the North Port Transportation Study. This study recommended improvements to:

- Developed a concept-level multi-modal transportation plan to identify transportation system improvements that enhance connectivity and mobility between modes.
- Evaluated the existing rail network within the area.
- Provided recommendations to improve or expand the Port's rail network and evaluated the street connections to Highway 12 and Highway 128.

- Evaluated existing roadway conditions and recommended phasing plan for proposed improvements.



North Port Features & Amenities

- Zoning: “Port” zone
- Waterfront access
- Proximity/direct route to Highways (US 12 and US 95)
- Largest regional warehouse
- Only seaport in Idaho
- 15 acres of available land
- Full utility access for industrial development
- Successful business incubator program
- Dock: 275’ public dock (container and roll-on/roll-off cargos)
- Visibility (from city, river, highway)
- Access to economical and environmentally friendly transportation, including access to foreign markets
- Rail access to UP and BN
- Regional grain corridor

North Port Development Plan & Target Projects:

1. Investigate replacement of Port’s heavy lift crane.
2. Implement rail improvements as outlined in the North Port Transportation Study.
3. Work with the City of Lewiston to improve City streets which are in disrepair.

4. Explore opportunities to expand business incubator space.
5. Consider appropriate land acquisition opportunities.

"Our move to the 'Small Business Incubator' in the Port of Lewiston has been a key factor in creating our successful business. The Port of Lewiston provides a safe and well maintained environment to conduct business for a reasonable price. In addition, the staff and commissioners have acted as mentors and advocates for our small but growing business."

--Coco Umiker, Owner, Clearwater Canyon Cellars

"The Port was quick to respond to our request for more property to work on, and ensured that previous tenants had a place to go. As an industrial customer, the Port is a good place for us to do business and we look forward to many years of partnering and being a part of the Lewiston community." --Russ Taylor, Former Manager, Pacific Steel & Recycling

Business & Technology Park



Description:

Located near the geographic center of Lewiston is the Business and Technology Park (BTP) has approximately 13-acres available. The BTP originally started with 47-acres, Over time, several businesses have purchased property from the Port. Advanced Health Care of Lewiston, Pathologists Regional Laboratory (formally Interventional Pain Consultants) and ClearView Eye Clinic have located within the BTP. In 2010, the Port sold 25.5-acres to Schweitzer Engineering Laboratories. Infrastructure serving the BTP is fully developed. The property is located within a Planned Unit Development (PUD) and zoning for the BTP was agreed upon by the City of Lewiston and the Port. Zoning for the BTP allows for light manufacturing and professional office space.

The Port was instrumental in working with Bedrock, LLC. and McCann Limited Partnership, LLC in development of Nez Perce Plaza PUD. The PUD has developed into a regional commercial shopping area and business center.

Business and Technology Park Features & Amenities

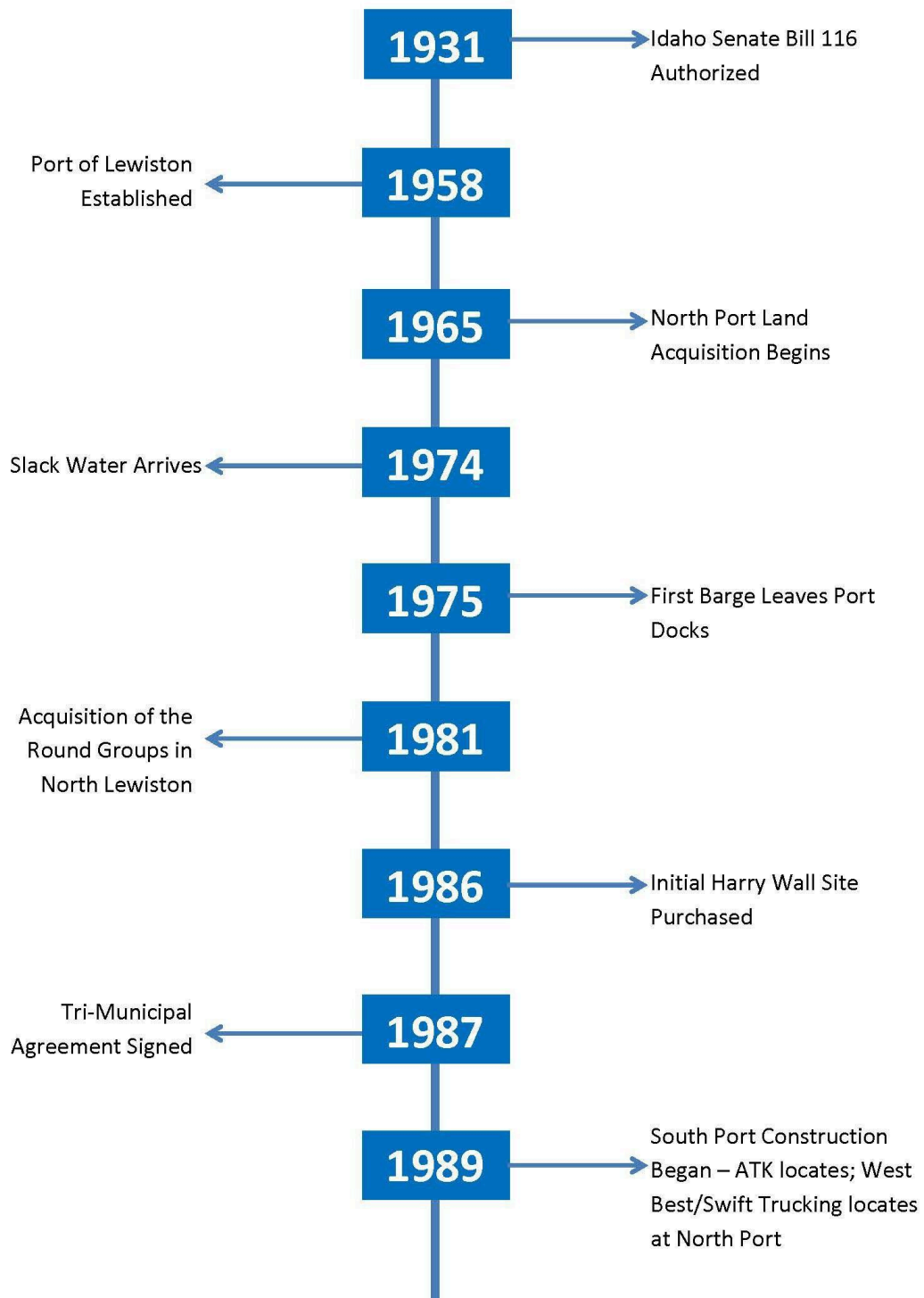
- Aesthetics (“campus”-like setting)
- Pad site leveled and developed; utilities installed
- Proximity to services & amenities
- Fiber optic lines
- Adequate space for parking needs
- Uses: PUD zoning, i.e. professional office and light manufacturing

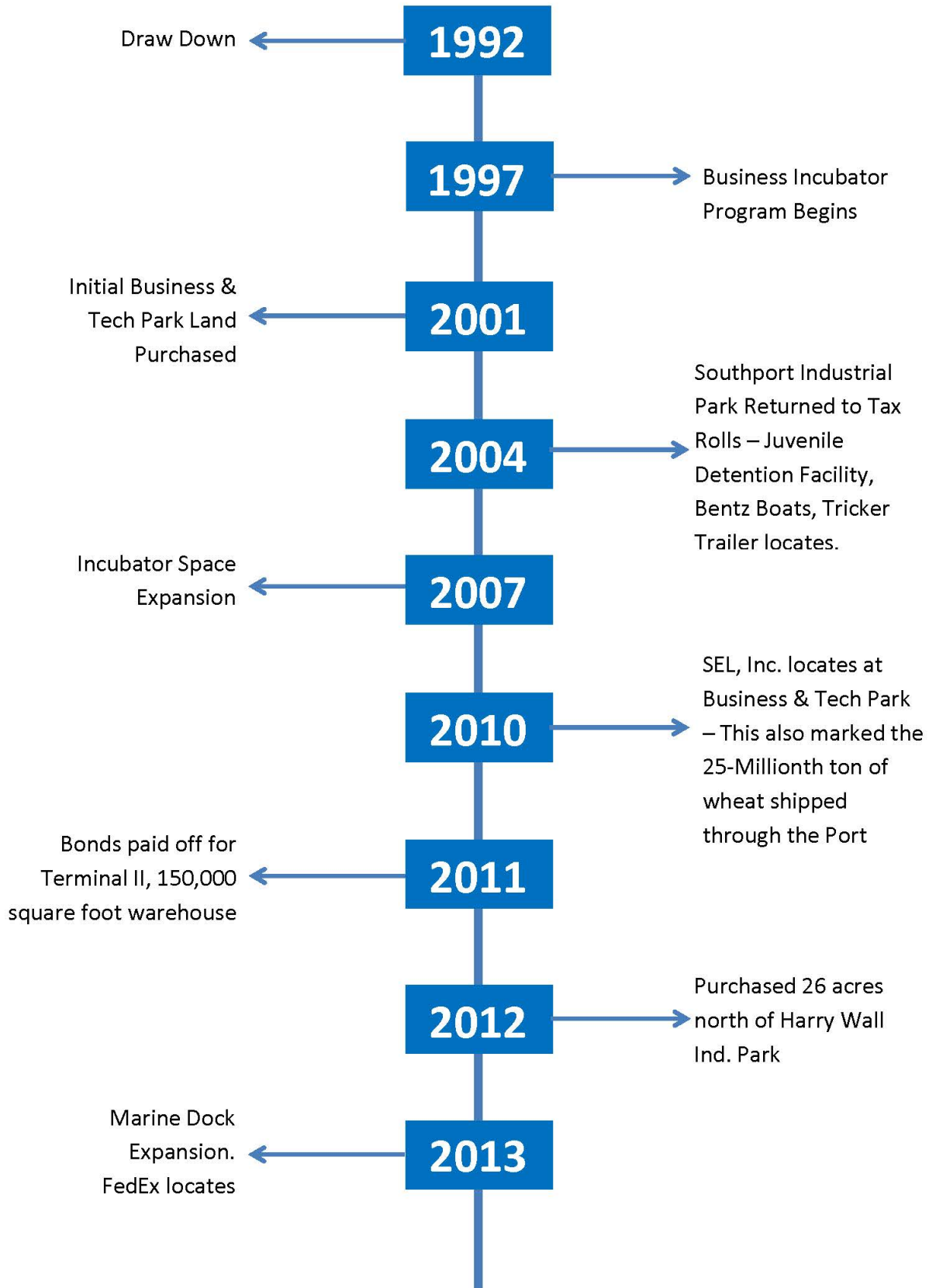
Business & Technology Park Development Plan & Target Projects:

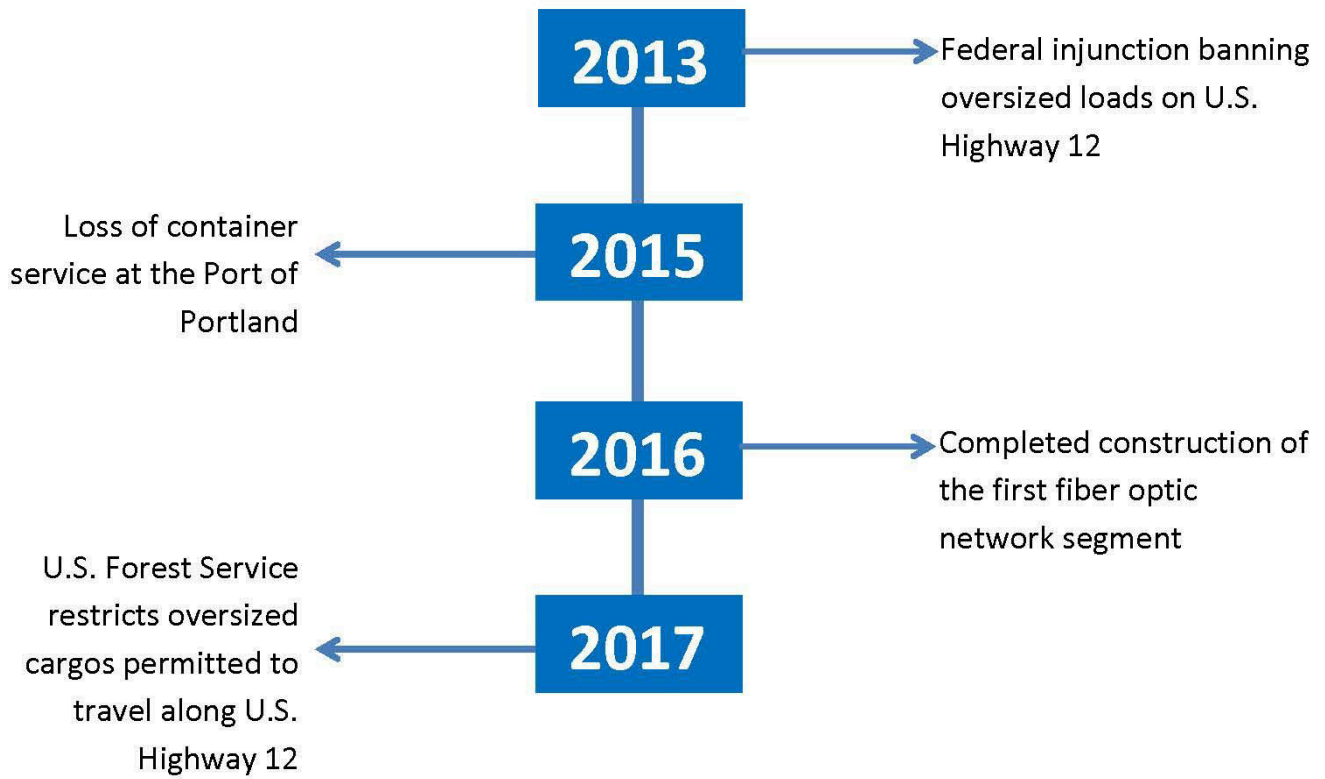
1. Improve landscape features
2. Develop site entryway to improve aesthetics/appearance
3. The Port of Lewiston in conjunction with Bedrock, LLC, and MLP, LLC, entered into an agreement with the City of Lewiston to construct traffic mitigation improvements at 12 locations within the proximity of Nez Perce Plaza PUD to address increased traffic issues generated by development. The majority of these improvements have been constructed, however a few items remain (see Appendix D for a copy of the Traffic Mitigation Agreement).

“The Port of Lewiston embodies the philosophy of collaboration. Organizations that work collaboratively can obtain greater resources, recognition and reward when it’s done correctly. The Port of Lewiston does it right.” --Mike Tatko, Regional Business Manager,
Lewis-Clark Region Avista Utilities

Appendix B: Port Milestones & Timeline







Appendix C: List of studies, comprehensive plans, amendments, and miscellaneous documents

- ◆ 1960: The Port District and Comprehensive Plan
- ◆ 1967: Report on Port Site Development
- ◆ 1968: Report on Marina Development Potential
- ◆ 1969: Impact of Navigation on the Lower Snake River on the Economic Development of Idaho
- ◆ 1973: Amendments to Comprehensive Plan
- ◆ 1980: Report Update on Flow of Commodities through the Port of Lewiston
- ◆ 1980: Amended Comprehensive Master Plan
- ◆ 1982: Industrial Use Survey of the Harry Wall Property
- ◆ 1986: Report on Industrial Development District Comprehensive Plan(Harry Wall property)
- ◆ 1986: Economic Impact of the Port of Lewiston
- ◆ 1987: Feasibility Study for Rail Spur Extension to Industrial Development District
- ◆ 1987: Phase I Development Plan
- ◆ 1991: Master Development Plan
- ◆ 1993: Port of Lewiston Warehouse Expansion
- ◆ 1997: Tri-Port Economic Impact Study
- ◆ 2005: Strategic Plan amended
- ◆ 2010: Longview Recreation Plan
- ◆ 2013: Strategic Plan amended
- ◆ 2014: Harry Wall Industrial Park Master Development Plan
- ◆ 2014: Pioneer Ports Economic Analysis Study (update to 1997 Tri-Port Study)
- ◆ 2019: Confluence Riverfront Master Plan

Appendix D: PUD Agreement and Traffic Agreements

Exhibit 2

STANDARDS
NEZ PERCE TERRACE
PLANNED UNIT DEVELOPMENT

INTRODUCTION

The purpose of this Nez Perce Terrace Planned Unit Development (PUD) is to establish a zone in order to:

- Establish a business and technology park for the City of Lewiston.
- Provide for the development of a business, commercial, and residential (low and high) environments centrally located and synergistic.
- Encourage flexibility in design and development that will encourage a more creative approach in the development of land by placement of buildings, use of open spaces, circulation, off-street parking areas and otherwise better utilize the potentials of sites characterized by special features of geography, topography, size or shape and to avoid the disruption of natural drainage patterns, which will result in a more efficient, economic, aesthetic and desirable use of the land;
- Provide a greater diversity of living environments by allowing a variety of housing types and residential densities and allowing more flexibility with lot dimensions and building setback;
- Provide a concept for the areas inside the PUD, and not to provide specific location of areas, in order for the City of Lewiston to determine that future developments are in substantial conformance with the proposed PUD

GENERAL OVERVIEW

The variety of land uses shall be so located as to complement the Nez Perce Terrace PUD. This shall consist of the following environments:

- LDR LOW DENSITY RESIDENTIAL
- HDR HIGH DENSITY RESIDENTIAL
- BTP BUSINESS AND TECHNOLOGY PARK
- LC LOCAL COMMERCIAL
- RC REGIONAL COMMERCIAL
- LP LINEAR AND OPEN SPACE

PURPOSE

- LDR The Low Density Residential area purpose is to provide transition between areas and to provide area for single family homes, duplex and condominium development.
- HDR The High Density Residential area purpose is to group the living units together into one or more buildings to allow more open space and to increase land efficiency.
- BTP The Business and Technology Park area purpose is to allow business/technology related industry with supporting features to develop in a designed area of the City of Lewiston. Utilizing the view from each site in a campus setting.
- LC The Local Commercial area purpose is to capitalize on the transient motor vehicle based trade along the major streets by encouraging businesses with drive up convenience to develop the area.
- RC The Regional Commercial area purpose is to support the establishment of varied types of major destination commercial uses having the common characteristic of dispensing commodities to meet the needs of the regional market.
- LP The Linear Park and Open Space area purpose is to provide a 20 to 50 foot greenbelt between the business and technology parcels and to help provide a campus setting. The open space is nondeveloped parcels which could be used for City of Lewiston parks and/or incorporated with adjacent parcels.

LIMITATIONS ON USES

The following are restrictions and limitations within the Nez Perce Terrace PUD. These include but are not limited to:

- No operation conducted on the premises shall constitute a public nuisance beyond the property lines of each individual lot by reason of smoke, fumes, odor, steam, gasses, lighting, vibration, noise, hazards, or other causes.
- All service, processing, manufacturing, and storage of materials or equipment on property shall be wholly within an enclosed building and exterior doors shall not be left open.
- Materials shall be stored, and grounds maintained in a manner which will not attract or aid in the propagation of insects or rodents or otherwise create a health hazard.
- Building entrances or other openings to a residential or commercial area shall be prohibited if they caused glare, excessive noise or otherwise adversely affect the use or value of the adjacent property.
- All electric lines, telephone and cable facilities, street light wiring and other wiring conduits and other similar facilities shall be placed underground by the developer. Satellite dishes may be used provided they are screened from view as much as possible through strategic location or landscaping.
- Signs shall be subject to the restrictions enumerated in the sign ordinance of the City of Lewiston Code relative to the designated use. Temporary signs permitted are limited to:
 - One "for sale" or "for rent" sign per principal structure on the offered site. Limited to a maximum area of thirty-two (32) square feet each.
 - One ground or building-attached sign per principal structure identifying apartments and occupants of offices located on the site. Such signs may be illuminated only by indirect lighting, shall not exceed thirty-two (32) square feet in size, must be found to be compatible with the neighbor's view, and shall not obstruct intersecting street visibility.
- Off street parking shall meet the requirements of the City of Lewiston Code.
- Portland cement concrete sidewalks shall be required in all commercial areas and in the Business Technology Park.
- Any lights illuminating any parking area or building shall be arranged to direct the light onto the ground of the premises. Lighting shall be shielded from residential areas.
- Truck or semi/tractor trailers (three axle vehicles or larger) shall not load nor unload within the public right-of-way.

BTP - Business Technology Park

PURPOSE

The purpose of the Business Technology Park (BTP) is to provide a business office, research, technology, assembly and accessory warehouse uses and to provide for supporting retail and service uses while minimizing their impacts on nearby residential uses.

No operation conducted on the premises shall constitute a public nuisance beyond the building by reason of smoke, fumes, odor, steam, gasses, lighting, vibration, noise, hazards, or other causes. All service, assembly, processing and storage of materials or equipment on property shall be wholly within an enclosed building and exterior doors shall not be left open.

DEVELOPMENT STANDARDS

- Maximum lot size: None.
- Minimum lot size: None.
- Vegetation limited in height to building height.
- A unifying image for the BTP will be established through the use of common design elements. Design consistency created through these Guidelines, establishes the design theme for the BTP. The design objectives specified below are intended to convey a general tone and ambiance desired for the BTP.
- The general design character expressed on each site shall be in keeping with the campus-like setting of the BTP. The building theme shall be of high quality but natural appearing, emphasizing the outdoor environment.
- The architecture should make use of design details which express a campus-like image and could include such elements as steeply pitched roofs, strong horizontal features, the use of terraces, wide overhangs, louvers, trellises and other design details.
- Where more than one building is constructed on a site, all buildings shall reflect the same design expression, finish materials and color.
- Establish a development that is visually distinctive and memorable to the occupants, visitors and passers-by. Building materials shall be of high quality, and craftsmanship should be emphasized.
- Promote ease of pedestrian accessibility and safety.
- Create a pedestrian scale in the design of streetscapes, parking areas, buildings and spaces between buildings.
- Soften and enhance the appearance of the buildings and structures.
- Exterior walls shall be finished in concrete stucco, wood, brick, metal, block, glass or combination thereof. Metal buildings will be permitted provided their compatibility with the intent of these guidelines can be satisfactorily demonstrated.

- Use of color-tinted glazing is encouraged in all buildings. Reflective glazing will be permitted provided that glare will not adversely affect surrounding properties or be a traffic hazard.
- Roofing materials visible from adjacent lots shall be metal or tile. Other materials may be permitted if the building design is enhanced and the character of the BTP is maintained.
- The color tones of the building shall be subtle. Color contrast for accent and articulation of building appearance features should be moderate, not severe. Color schemes will be consistent throughout the exterior of the building. Super graphics and decorative painting that do not relate to architectural features will not be permitted.
- For non-building improvements, high quality, soft-textured materials that complement the building and convey a campus-like image should be used where possible; textured concrete or tile gravel pathways, natural lava stone walls, wooded decks and benches, and craftsmanship should be emphasized.

USES PERMITTED OUTRIGHT

In the Nez Perce Terrace PUD BTP, the following uses and their accessory uses are permitted outright subject to all other requirements of the City of Lewiston ordinances and when in conformance with the limitations on use and development standards of this district:

- Personal service uses such as computer repair, mail boxes or archive storage.
- Professional offices such as attorney, doctor, dentist, accountant.
- Research and development establishments, including the manufacture or creation of prototype products or processes.
- Biotechnology.
- Processing including data processing.
- Robotics.
- Telecommunications.
- Public or governmental offices or semi-public uses which uses are similar to other uses permitted outright in this area.
- Assembly.
- Electronics.
- Pharmaceuticals.
- Printing and publishing houses, including newspaper publishing.
- Day care center.
- Financial institutions.
- Precision instruments.
- Other uses of similar nature or general character to those specifically permitted in the district, provided they are deemed fitting or compatible by determination of Planning and Zoning with the purpose, uses permitted outright, and limitations on uses as stated in this document.

ACCESSORY USE PERMITTED

In the BTP, the following uses and their accessory uses are permitted when authorized:

- Other neighborhood, business, commercial or technology services which are not permitted outright but which are consistent with the purpose of the BTP, and are not

- detrimental to any of the outright permitted uses or other nearby residential uses.
- Supporting retail services such as dry cleaning service, barber/beauty shop, eating establishment, coffee bar, and sandwich shop. These services shall be limited to four thousand square feet per fifteen acres.
 - Accessory uses may not be established until the primary use of the property is established.

USES NOT PERMITTED

- Warehousing.
- Truck terminals.
- Tire recapping.
- Metal fabrication.
- Storage of materials.
- Contractors shops and yards.
- Motor vehicle sales and repair.
- Rock crushing.
- Asphalt and cement plants.
- Slaughter houses.
- Food processing.
- Grain storage.

YARDS

BTP minimum yard requirements shall be as follows:

- A front yard shall be twenty (20) feet or thirty-five (35) feet from the centerline of the street, whichever is greater.
- A side yard shall be a minimum of five (5) feet and the total of both side yards shall be a minimum of fifteen (15) feet; except that on corner lots the side yard on the street side shall be a minimum of fifteen (15) feet from the property line or thirty-five (35) feet from the centerline of the street, whichever is greater.
- A rear yard shall be a minimum of twenty (20) feet.
- Side and rear yards shall be increased by one foot for each foot by which a building exceeds thirty-five (35) feet.
- Off street parking shall not be located in required front or street side yards.

LOT COVERAGE

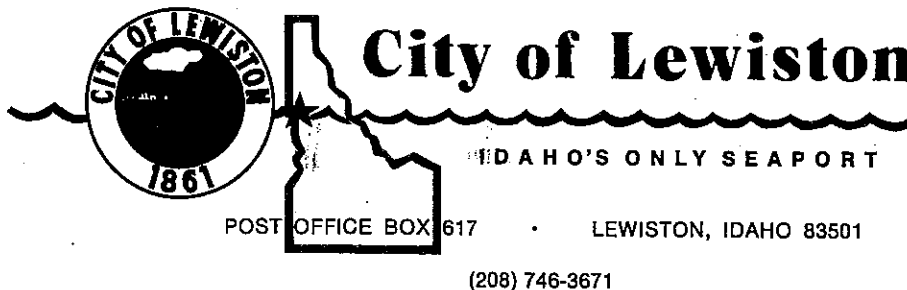
In a BTP, buildings shall not cover more than forty-five (45) percent of the lot.

HEIGHT OF BUILDINGS

In a BTP maximum height for buildings: None except thirty-five (35) feet when on a lot abutting a residential area.

FENCES

No fences shall be constructed within required front yards or street side yards. However, vegetation dividers will be permitted.



8 December 1999

Port of Lewiston
1626 6th Avenue North
Lewiston ID 83501

McCann Limited Partnership
202 26th Avenue
Lewiston ID 83501

Dick White
Ray J White and Sons
Box 107
Lewiston ID 83501

RE: NEZ PERCE TERRACE PLANNED UNIT DEVELOPMENT AGREEMENT

Attached for your review is the development agreement for the Nez Perce Terrace Planned Unit Development. As you recall, the City Council adopted the zone change ordinance recently; this development agreement sets forth the descriptions of the land use areas within the PUD. The land use descriptions are the same as you had seen prior to the Planning and Zoning Commission meeting with one exception. That exception is the inclusion of a required bufferyard between the McCann land and the Stellmon land. This requirement was placed by the City Council at their public hearing and thus is included at Council direction.

The "boilerplate" on the front of the agreement describes the development standards in general and are consistent with city code and development standards. They are typical of those used in other PUD's in the community. A map of the PUD will be attached to this development agreement which will then form the basis of future land use decisions on this property. Any amendment to the PUD will need to follow the procedures outlined in the agreement itself.



TREE CITY USA

Each of you will need to sign the agreement and have your signature notarized. My recommendation to you is that each of you sign the copy provided, have it notarized, and return the original signed document to me. I will assemble the signature sheets and then will forward to the City Council for final approval. Each of you will get a copy of the fully executed agreement when that occurs. Please call me at 746-1318 if you have any questions or concerns.

Sincerely,



Steven M Watson, AICP
City Planner

C: Don Roberts, City Attorney
Bob Bushfield, Community Development Director

NEZ PERCE TERRACE

PLANNED UNIT DEVELOPMENT AGREEMENT

THIS PLANNED UNIT DEVELOPMENT AGREEMENT, entered into this _____ day of _____, _____, by and between the CITY OF LEWISTON, hereinafter designated "City" and the PORT OF LEWISTON, an Idaho municipal corporation, the JOE AND FRANCIS MCCANN FAMILY LIMITED PARTNERSHIP, JOE MCCANN TESTAMENTARY TRUST, M AND S LIMITED PARTNERSHIP hereinafter referred to as "Owner".

WHEREAS, it is the intent of the Owner to develop a balanced, well-designed quality sub-neighborhood unit which is compatible with the natural limitations of the site; and

WHEREAS, this development plan will provide for the careful placement of residential, commercial, business, technological and recreational uses to create a balanced neighborhood environment pursuant to Lewiston City Code; and

WHEREAS, the parties are interested in reducing to writing in this Agreement the provisions for general design standards and minimum specifications governing the preparation of the site and the development of public and private improvements, including grading, placement and type of structures, public improvement standards, general regulations governing landscaping, scenic and solar access.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

SECTION 1: That the development known as Nez Perce Terrace Planned Unit Development, and further described as:

All the following real property in Section 5, Township 25 North, Range 5 West, Boise Meridian, City of Lewiston, Nez Perce County, State of Idaho:

The West half of the Southeast Quarter of the Southeast Quarter of said Section 5, and

The Southwest Quarter of the Southeast Quarter of said Section 5, and

That portion of the Southwest Quarter of said Section 5 laying southerly of Nez Perce Drive and lying easterly of the East right-of-way line of Thain Road.

All the following real property in Section 8, Township 35 North, Range 5 West, Boise Meridian, in the City of Lewiston, County of Nez Perce, State of Idaho:

The North 800 feet of the Northeast Quarter of said Section 8, and

That portion of the Northwest Quarter of said Section 8 lying easterly of the East right-of-way line on Thain Road, EXCEPT that portion platted as South Center First Addition to the City of Lewiston as appears on the official plat thereof on file and of record in the office of the Nez Perce County Recorder, Lewiston, Idaho, and EXCEPT that portion platted as Village Green Second Addition to the City of Lewiston, as appears on the official plat thereof on file and of record in the office of the Nez Perce County Recorder, Lewiston, Idaho.

shall be developed in accordance with the findings of fact, conclusions of law and decision entered by the City Council and the conditions of approval which are attached as Exhibit 1 and made a part of this agreement and the Nez Perce Terrace Planned Unit Development Standards which are attached as Exhibit 2 and made a part of this agreement.

SECTION 2: General Provisions.

This Planned Unit Development consists of a variety of land uses designed to serve a broad spectrum of the community's housing, commercial and business needs. It further provides open space for the use of the residents, commercial and business tenant and for the community in general.

The Planned Unit Development will be developed in phases over a number of years and will be in response to market demand for specific land use types. The various land use types are to be grouped together to retain a neighborhood character. In addition to restrictive covenants which may be developed and recorded for each neighborhood within the Planned Unit Development, this agreement, with attached exhibits, shall be recorded and shall be the development standard for all development within the Planned Unit Development and shall be binding on all developers of the real property described herein. Any and all restrictive covenants adopted for any real property described herein shall not conflict with the development standards contained herein.

SECTION 3: General Standards.

The project shall have a density of as described in Exhibit 2 attached hereto. The showing of the development in stages does not necessarily indicate the order of development. The owner may sell any stage or portion thereof provided that as part of the sale the purchaser must agree to develop according to this agreement.

SECTION 4: Traffic Study.

Prior to development activity, the developer shall perform a traffic study according to best engineering practices for the entire development assuming build out at densities included within this agreement. Said study shall document the traffic impacts of this Planned Unit Development as well as an overall transportation master plan for the Planned Unit Development. Said traffic study shall be updated following amendments to this agreement or upon the requirement of the city engineer to reflect changes over time in the nature of the development and changes in the nature of this surrounding area. The developer shall be solely responsible for all traffic improvements required by the traffic study.

SECTION 5: General Public Improvements and Development Standards.

The following standards shall apply to the construction of public improvements.

Streets. All streets are to be dedicated to the public through the city's subdivision platting process and shall be constructed in accordance with City standards. Minimum right of way width for all streets shall be determined by their classification and in accordance with city standards in force at the time of platting.

Curbs, gutters and Sidewalks. Curbs, gutters and sidewalks shall be constructed along both sides of all public streets

in accordance with City standards, unless otherwise approved by the City.

Off street parking. Off street parking shall be provided in accordance with provisions of Lewiston City Code.

Street Lighting. Street lighting will be required in accordance with the City Code and in conformance to current utility specifications. Lights shall be installed at all intersections, at sight-impairing curves, at 300-foot spacing on any collector streets, and at 600-foot spacing on the local streets.

Water. The water system shall be designed and constructed to city and state standards and shall be constructed in public rights of way or as required by the water supplier. All water lines are to be looped and of size to meet the requirements of the water supplier and adequate for fire protection; fire hydrants shall be placed at a maximum spacing of 600 feet. The developer shall submit water system plans to the supplier and the Idaho Division of Environmental Quality prior to approval of any final plats. Prior to development activity, the owner shall provide to the City Engineer an overall utility development master plan for the Planned Unit Development and compliance with city codes and standards.

Sewer. The sewer system shall be designed and constructed to city and state standards and shall be constructed in public rights of way or as required by the provider. Size of

the sewer lines shall be in accordance with the utility supplier standards. Prior to development activity, the owner shall provide to the City Engineer an overall utility development master plan for the Planned Unit Development and compliance with city codes and standards.

Stormwater. Stormwater shall be retained within the PUD so that the rate of run-off will not exceed the pre-development condition, in accordance with City Resolution 80-100. All drainage calculations and facilities must be designed by a registered engineer, be in accordance with City standards and approved by the city engineer. Prior to development activity, the owner shall provide to the City Engineer an overall stormwater and grading development master plan for the Planned Unit Development and compliance with city codes and standards.

Electricity and Natural Gas. Electric lines and natural gas line shall be underground in accordance with Avista Corporation specifications.

Television Cable. Install underground in accordance with the ATT Cable Services standards.

Telephone. Telephone lines shall be underground in accordance with US West Communications specifications.

Sanitation. Access to sanitation receptacles shall be provided according to City standards.

Open Space. Linear parks and open space is an essential part of this development and shall help provide for a campus like

setting within the Planned Unit Development resulting in a total minimum acreage of open space between parcel of 9.5 acres. An open space area of a minimum width of 20 feet shall be provided between parcels in the Business and Technology Park. All common, open or unusable space shall be set aside and, if left in a natural state, shall be planted with drought resistant plants or trees, grasses or prairie wildflowers, shall be maintained free of noxious weeds and shall be so maintained as to minimize fire hazards caused by overgrown vegetation and/or wildfires. No dumping of materials of any sort shall be permitted in any such space except for fill material when placed under a valid grading permit issued by the City of Lewiston.

Maintenance of development sites. Any land graded for construction of any type, and not built upon within the time specified in "site grading", shall be seeded with grasses to minimize dust generation and weed propagation; all such property shall be kept in conformance with Chapter 17, Lewiston City Code. All construction sites shall be controlled to minimize dust generation during construction. The developer shall take appropriate measures to prevent mud and debris from being tracked onto public rights of way during the construction phase.

Wetlands. Should the real property described herein contain lands identified as wetlands by the US Army Corps of Engineers, said areas shall be clearly marked on all final plats

and no development shall be allowed to take place within those areas designated as wetlands unless done in full compliance with Corps of Engineer standards and with their written approval. Notification of the existence and limitations on use of the wetlands, if any, shall be contained within the deed transferring title to the buyer from the seller.

Site Grading. No site grading shall be done without an approved grading plan. Any land graded or otherwise cleared of vegetation and construction has not commenced within three months shall be seeded with grasses to prevent erosion, dust generation or weed propagation. Prior to development activity, the owner shall provide to the City Engineer an overall stormwater and grading development master plan for the Planned Unit Development and compliance with city codes and standards.

SECTION 6: Site Landscaping.

Landscaping is an integral part of this Planned Unit Development. A landscaping plan will be submitted to the Community Development Department with the submittal of construction plans for each development phase of the Planned Unit Development. The plan will indicate location, species and size of all plantings. Landscaping shall be installed prior to the issuance of a certificate of occupancy for any structure with the Planned Unit Development.

OWNER
PORT OF LEWISTON

By Peter Wilson
Peter Wilson, President

ATTEST: Terry Kolb
Terry Kolb, Secretary

JOE AND FRANCIS MCCANN
FAMILY LIMITED PARTNERSHIP

By _____
Michael J. McCann, Trustee
of the Francis E. McCann
Discretionary Trust, General
Partner

JOE MCCANN TESTAMENTARY TRUST

By _____

M and S LIMITED PARTNERSHIP

By _____
Margaret M. Skelton,
General Partner

STATE OF IDAHO)
) ss.
County of Nez Perce)

On this _____ day of _____, _____, before me, the undersigned Notary Public for the State of Idaho, personally appeared MICHAEL J. MCCANN, known to me to be the Trustee of the Francis E. McCann Discretionary Trust, which is known to me to be the general partner of the Joe and Francis McCann Family Limited Partnership and acknowledged to me that he executed the foregoing instrument for and on behalf of said trust.

In witness whereof, I have hereunto set my hand and official seal the day and year first above written.

Notary Public for the State
of Idaho, Residing at
_____.

STATE OF IDAHO)
) ss.
County of Nez Perce)

On this _____ day of _____, _____, before me, the undersigned Notary Public for the State of Idaho, personally appeared _____, known to me to be the Trustee of the Joe McCann Testamentary Trust, and acknowledged to me that he executed the foregoing instrument for and on behalf of said trust.

In witness whereof, I have hereunto set my hand and official seal the day and year first above written.

Notary Public for the State
of Idaho, Residing at
_____.

STATE OF IDAHO)
) ss.
County of Nez Perce)

On this _____ day of _____, _____, before me, the undersigned Notary Public for the State of Idaho, personally appeared Margaret M. Skelton, known to me to be the General Partner of M and S Limited Partnership, and acknowledged to me that he executed the foregoing instrument for and on behalf of said trust.

In witness whereof, I have hereunto set my hand and official seal the day and year first above written.

Notary Public for the State
of Idaho, Residing at
_____.

EXHIBIT 1

ORDINANCE 4254

AN ORDINANCE DECLARING THAT CERTAIN REAL PROPERTY DESCRIBED HEREAFTER BE REMOVED FROM THE C-6, REGIONAL COMMERCIAL ZONE AND F-2, AGRICULTURAL TRANSITIONAL ZONE AND INCLUDED IN THE PD, PLANNED UNIT DEVELOPMENT ZONE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LEWISTON AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property described in Section 2 of this ordinance is within the C-6, Regional Commercial Zone and F-2, Agricultural Transitional Zone as defined by the Zoning Ordinance of the City of Lewiston; and

WHEREAS, the duly constituted Planning and Zoning Commission of the City of Lewiston held a public hearing on September 8, 1999, pursuant to public notice as required by law, to remove said real property from the above referred to zones and to be included in the PD, Planned Unit Development Zone, after which the Planning and Zoning Commission recommended approval of the zone change as requested; and

WHEREAS, a public hearing on the requested zone change was held before the Lewiston City Council, pursuant to public notice, on October 18, 1999, following which the City Council made Findings of Fact, Conclusions of Law, and Decision, all in accordance with Idaho Code 67-6535, determining that the requested zone change was in conformance with the Comprehensive Plan of the city, that the zone change request should be granted, and ordering the real property described herein be removed from the C-6, Regional Commercial Zone and F-2, Agricultural Transitional Zone and included in the PD, Planned Unit Development Zone as defined by the Zoning Ordinance of the City of Lewiston.



NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEWISTON, IDAHO:

SECTION 1: That the real property illustrated on the attached map and situated within the City of Lewiston, Nez Perce County, Idaho, be and the same is hereby removed from the C-6, Regional Commercial Zone and F-2, Agricultural Transitional Zone and included in the PD, Planned Unit Development Zone as defined by the Zoning Ordinance of the City of Lewiston, Idaho.

SECTION 2: That the Zoning Map of the City of Lewiston, Idaho, be and the same is hereby amended to remove said real property described above from the C-6, Regional Commercial Zone and F-2, Agricultural Transitional Zone and to be included in the PD, Planned Unit Development Zone.

SECTION 3: This ordinance shall take effect and be in full force from and after its passage, approval and publication.

DATED this 8TH day of NOVEMBER, 1999.

CITY OF LEWISTON

By Jeffrey S. Nasset
Jeffrey G. Nasset, Mayor

ATTEST:

Rebecca Hubbard
Rebecca Hubbard, Clerk

BEFORE THE CITY COUNCIL
OF THE CITY OF LEWISTON

IN RE:)
)
ZC-8-99, Application) FINDINGS OF FACT
) CONCLUSIONS OF LAW
PORT OF LEWISTON,) AND DECISION
)
Applicant.)

This matter having come before the City Council of the City of Lewiston, Idaho, on October 18, 1999, for public hearing pursuant to public notice as required by law, on a request to rezone a 186 acre parcel of land from a PD, Planned Unit Development, C-6, Regional Commercial and F-2, Agricultural Transitional to PD, Planned Unit Development, said parcel being located east of Thain Grade, South of Nez Perce Drive extended and north of Royal Plaza Retirement Center, Lewiston, Idaho, and the City Council having heard the staff report and testimony from applicant's representative in support and others appearing in support and opposition to the application and being fully advised in the matter, issues the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The applicant has applied to rezone a 186 acre parcel of land from a PD, Planned Unit Development, C-6, Regional Commercial and F-2, Agricultural Transitional to PD, Planned Unit Development,

said parcel being located east of Thain Grade, South of Nez Perce Drive extended and north of Royal Plaza Retirement Center, Lewiston, Idaho.

2. Notice of public hearing has been given.

3. The property in question is zoned PD, Planned Unit Development, C-6, Regional Commercial and F-2, Agricultural Transitional, pursuant to the Zoning Ordinance of the City of Lewiston. The property is designated High Density Residential, Commercial and Business and Office Park in the 1999 Comprehensive Plan of the City of Lewiston.

4. Relevant criteria and standards for consideration of this application are set forth in Lewiston City Code Sections 37-2, 37-94 through 37-97, and the Comprehensive Plan.

5. The existing neighborhood land uses in the immediate area of this property are commercial to the west, C-6, commercial to the north, C-6, vacant to the east, F-2, retirement centers to the south, PD.

6. The Planning and Zoning Commission, after public hearing and consideration on September 8, 1999, recommended that the zone change to PD, Planner Unit Development be granted for the reasons:

A. The proposed zone change is in conformance with the Comprehensive Plan.

B. The proposed zone change is in conformance with the Zoning Ordinance.

C. The proposed zone change will help reduce urban sprawl.

7. The Comprehensive Plan contains goals and objectives to be considered in making land use decisions. The following goals are appropriate to be considered in this application.

- A. The orderly development and arrangement of land uses throughout the community providing ample space for future growth, while at the same time insuring the compatibility of adjacent land uses.
- B. Seek a compact urban form by developing appropriate areas within the city limits so as to minimize public expenditures and private costs.
- C. Avoid unnecessary disruptions on basic land use relationships.

8. Prior to development, the Planning and Zoning Commission recommended the following:

- A. The developer shall provide to the city a traffic study documenting the traffic impacts at full development.
- B. The developer shall provide an overall grading plan and storm water master plan for the development.
- C. The developer shall provide an overall utility development master plan documenting compliance with city standards.

Based on the foregoing Findings of Fact, The Lewiston City Council hereby makes the following

CONCLUSIONS OF LAW

1. The requirements of Idaho Code Section 67-6509(a) have been met.
2. The proposed zone change is desirable to provide orderly development of the city and the allowable uses in the proposed zones would be compatible with the surrounding area and would not change the essential character of that area.
3. The requested zone change to PD, Planned Unit Development should be granted for the reasons and conditions set forth by the Planning and Zoning Commission.

Based on the foregoing Conclusions of Law, the City Council of the City of Lewiston hereby enters the following

DECISION

The application for a zone change to PD,, Planned Unit Development be and is hereby GRANTED.

DATED this 8TH day of NOVEMBER, 1999.

CITY OF LEWISTON

By: Jeffrey A. Nesset
Jeffrey A. Nesset, Mayor

ATTEST: Rebecca Hubbard
Rebecca Hubbard, City Clerk

Exhibit 2

STANDARDS NEZ PERCE TERRACE PLANNED UNIT DEVELOPMENT

INTRODUCTION

The purpose of this Nez Perce Terrace Planned Unit Development (PUD) is to establish a zone in order to:

- Establish a business and technology park for the City of Lewiston.
- Provide for the development of a business, commercial, and residential (low and high) environments centrally located and synergistic.
- Encourage flexibility in design and development that will encourage a more creative approach in the development of land by placement of buildings, use of open spaces, circulation, off-street parking areas and otherwise better utilize the potentials of sites characterized by special features of geography, topography, size or shape and to avoid the disruption of natural drainage patterns, which will result in a more efficient, economic, aesthetic and desirable use of the land;
- Provide a greater diversity of living environments by allowing a variety of housing types and residential densities and allowing more flexibility with lot dimensions and building setback;
- Provide a concept for the areas inside the PUD, and not to provide specific location of areas, in order for the City of Lewiston to determine that future developments are in substantial conformance with the proposed PUD

GENERAL OVERVIEW

The variety of land uses shall be so located as to complement the Nez Perce Terrace PUD. This shall consist of the following environments:

- LDR LOW DENSITY RESIDENTIAL
- HDR HIGH DENSITY RESIDENTIAL
- BTP BUSINESS AND TECHNOLOGY PARK
- LC LOCAL COMMERCIAL
- RC REGIONAL COMMERCIAL
- LP LINEAR AND OPEN SPACE

PURPOSE

LDR The Low Density Residential area purpose is to provide transition between areas and to provide area for single family homes, duplex and condominium development.

HDR The High Density Residential area purpose is to group the living units together into one or more buildings to allow more open space and to increase land efficiency.

BTP The Business and Technology Park area purpose is to allow business/technology related industry with supporting features to develop in a designed area of the City of Lewiston. Utilizing the view from each site in a campus setting.

LC The Local Commercial area purpose is to capitalize on the transient motor vehicle based trade along the major streets by encouraging businesses with drive up convenience to develop the area.

RC The Regional Commercial area purpose is to support the establishment of varied types of major destination commercial uses having the common characteristic of dispensing commodities to meet the needs of the regional market.

LP The Linear Park and Open Space area purpose is to provide a 20 to 50 foot greenbelt between the business and technology parcels and to help provide a campus setting. The open space is nondeveloped parcels which could be used for City of Lewiston parks and/or incorporated with adjacent parcels.

LIMITATIONS ON USES

The following are restrictions and limitations within the Nez Perce Terrace PUD. These include but are not limited to:

- No operation conducted on the premises shall constitute a public nuisance beyond the property lines of each individual lot by reason of smoke, fumes, odor, steam, gasses, lighting, vibration, noise, hazards, or other causes.
- All service, processing, manufacturing, and storage of materials or equipment on property shall be wholly within an enclosed building and exterior doors shall not be left open.
- Materials shall be stored, and grounds maintained in a manner which will not attract or aid in the propagation of insects or rodents or otherwise create a health hazard.
- Building entrances or other openings to a residential or commercial area shall be prohibited if they caused glare, excessive noise or otherwise adversely affect the use or value of the adjacent property.
- All electric lines, telephone and cable facilities, street light wiring and other wiring conduits and other similar facilities shall be placed underground by the developer. Satellite dishes may be used provided they are screened from view as much as possible through strategic location or landscaping.
- Signs shall be subject to the restrictions enumerated in the sign ordinance of the City of Lewiston Code relative to the designated use. Temporary signs permitted are limited to:
 - One "for sale; or "for rent" sign per principal structure on the offered site. Limited to a maximum area of thirty-two (32) square feet each.
 - One ground or building-attached sign per principal structure identifying apartments and occupants of offices located on the site. Such signs may be illuminated only by indirect lighting, shall not exceed thirty-two (32) square feet in size, must be found to be compatible with the neighbor's view, and shall not obstruct intersecting street visibility.
- Off street parking shall meet the requirements of the City of Lewiston Code.
- Portland cement concrete sidewalks shall be required in all commercial areas and in the Business Technology Park.
- Any lights illuminating any parking area or building shall be arranged to direct the light onto the ground of the premises. Lighting shall be shielded from residential areas.
- Truck or semi/tractor trailers (three axle vehicles or larger) shall not load nor unload within the public right-of-way.

LDR - LOW DENSITY RESIDENTIAL

PURPOSE

The Low Density Residential (LDR) is designed to accommodate a compatible residential use as a transition. Such uses generally serve as a buffer between major streets or major developed areas and residential districts.

DEVELOPMENT STANDARDS

In an LDR the minimum lot size shall be as follows:

- Lot area shall be a minimum of five thousand (5000) square feet per dwelling unit.
- Lot width shall be a minimum of fifty (50) feet.
- Lot depth shall be a minimum of one hundred (100) feet.
- Maximum number of residential units shall be eight (8) residential units per acre.
- Maximum number of residential units shall be six (6) per lot.

USES PERMITTED OUTRIGHT

In the Nez Perce Terrace PUD LDR, the following uses and their accessory uses are permitted outright subject to all other requirements of the City of Lewiston ordinances:

- Single-family dwellings, site built home.
- Multi-family dwelling, including townhouses.
- Private garages. Such garages or parking structures shall not exceed two (2) stories, or a maximum of twenty (20) feet above mean finished grade.

YARDS

LDR minimum yard requirements shall be as follows:

- A front yard shall be twenty (20) feet or thirty-five (35) feet from the centerline of the public right-of-way, whichever is greater.
- A side yard shall be a minimum of five (5) feet and the total of both side yards shall be a minimum of fifteen (15) feet, except that on corner lots the side yard on the street side shall be a minimum of fifteen (15) feet from the property line or thirty-five feet (35) from the centerline of the street, whichever is greater. Except no side yard is required for structures with a common wall on the common wall side only.
- A rear yard shall be a minimum of twenty (20) feet.
- Off street parking shall not be located in required front yards.

LOT COVERAGE

In an LDR, buildings shall not cover more than fifty (50) percent of the lot.

HEIGHT OF BUILDINGS

In an LDR no building shall exceed a height of twenty-eight and one half (28.5) feet as measured from the lowest elevation on the southerly property line of each individual residential unit.

FENCES

Fences constructed within required front yards or street side yards shall not exceed the following heights:

- a. Solid fences: Three (3) feet.
- b. Open rail fences and other open fences where the post and materials constitute not more than one-third ($1/3$) of the fence area: Four feet, six inches (4'6").

HDR - HIGH DENSITY RESIDENTIAL

PURPOSE

The High Density Residential (HDR) is designed to accommodate a compatible mixture of residential uses in proximity to major community facilities, employers, arterial and commercial developments. Such uses generally serve as transition or buffer areas between major streets or major developed areas and residential districts.

DEVELOPMENT STANDARDS

In an HDR the minimum lot size shall be as follows:

- Lot area shall be a minimum of five thousand (5000) square feet and shall not be less than eight hundred (800) square feet per dwelling unit.
- Lot width shall be a minimum of fifty (50) feet.
- Lot depth shall be a minimum of one hundred (100) feet.
- Maximum number of residential units shall be twenty-two (22) residential units per acre.

USES PERMITTED OUTRIGHT

In the Nez Perce Terrace PUD HDR the following uses and their accessory uses are permitted outright subject to all other requirements of the City of Lewiston ordinances:

- Single-family dwelling with minimum 1,600 square feet (one level), site built home.
- Two-family dwelling.
- Multifamily dwelling.
- Assisted living facility.
- Private garages. Such garages or parking structures shall not exceed two (2) stories, or a maximum of twenty (20) feet above mean finished grade.
- Parking as provided for uses permitted in the HDR district.
- Recreation facilities, provided, however, that any facility shall be maintained no closer than fifty (50) feet to a property line or a street frontage.
- Non-commercial private recreation facilities, including golf courses.
- Group day care facility.
- Accessory uses such as mini storage building, recreational vehicle storage, and boat storage for adjacent dwellings.
- Bed and Breakfast, limited to a maximum of four bedrooms, with the conditions that adequate off street parking is provided and that the use will not change the character of the neighborhood.
- Temporary RV hook ups for guests for a maximum of fourteen (14) days per year for adjacent dwellings.

YARDS

HDR minimum yard requirements shall be as follows:

- A front yard shall be twenty (20) feet or thirty-five (35) feet from the centerline of the street, whichever is greater.

- A side yard shall be a minimum of five (5) feet and the total of both side yards shall be a minimum of fifteen (15) feet, except that on corner lots the side yard on the street side shall be a minimum of fifteen (15) feet from the property line or thirty-five feet (35) from the centerline of the street, whichever is greater.
- A rear yard shall be a minimum of twenty (20) feet.
- Side and rear yards shall be increased by one foot for each foot by which a building exceeds thirty-five (35) feet in height.
- Off street parking shall not be located in required front yards.

LOT COVERAGE

In an HDR, buildings shall not cover more than forty-five (45) percent of the lot.

HEIGHT OF BUILDINGS

In an HDR no building shall exceed a height of (60) feet.

FENCES

Fences constructed within required front yards or street side yards shall not exceed the following heights:

- a. Solid fences: Three (3) feet.
- b. Open rail fences and other open fences where the post and materials constitute not more than one-third ($1/3$) of the fence area: Four feet, six inches (4'6").

BTP - Business Technology Park

PURPOSE

The purpose of the Business Technology Park (BTP) is to provide a business office, research, technology, assembly and accessory warehouse uses and to provide for supporting retail and service uses while minimizing their impacts on nearby residential uses.

No operation conducted on the premises shall constitute a public nuisance beyond the building by reason of smoke, fumes, odor, steam, gasses, lighting, vibration, noise, hazards, or other causes. All service, assembly, processing and storage of materials or equipment on property shall be wholly within an enclosed building and exterior doors shall not be left open.

DEVELOPMENT STANDARDS

- Maximum lot size: None.
- Minimum lot size: None.
- Vegetation limited in height to building height.
- A unifying image for the BTP will be established through the use of common design elements. Design consistency created through these Guidelines, establishes the design theme for the BTP. The design objectives specified below are intended to convey a general tone and ambiance desired for the BTP.
- The general design character expressed on each site shall be in keeping with the campus-like setting of the BTP. The building theme shall be of high quality but natural appearing, emphasizing the outdoor environment.
- The architecture should make use of design details which express a campus-like image and could include such elements as steeply pitched roofs, strong horizontal features, the use of terraces, wide overhangs, louvers, trellises and other design details.
- Where more than one building is constructed on a site, all buildings shall reflect the same design expression, finish materials and color.
- Establish a development that is visually distinctive and memorable to the occupants, visitors and passers-by. Building materials shall be of high quality, and craftsmanship should be emphasized.
- Promote ease of pedestrian accessibility and safety.
- Create a pedestrian scale in the design of streetscapes, parking areas, buildings and spaces between buildings.
- Soften and enhance the appearance of the buildings and structures.
- Exterior walls shall be finished in concrete stucco, wood, brick, metal, block, glass or combination thereof. Metal buildings will be permitted provided their compatibility with the intent of these guidelines can be satisfactorily demonstrated.

- Use of color-tinted glazing is encouraged in all buildings. Reflective glazing will be permitted provided that glare will not adversely affect surrounding properties or be a traffic hazard.
- Roofing materials visible from adjacent lots shall be metal or tile. Other materials may be permitted if the building design is enhanced and the character of the BTP is maintained.
- The color tones of the building shall be subtle. Color contrast for accent and articulation of building appearance features should be moderate, not severe. Color schemes will be consistent throughout the exterior of the building. Super graphics and decorative painting that do not relate to architectural features will not be permitted.
- For non-building improvements, high quality, soft-textured materials that complement the building and convey a campus-like image should be used where possible; textured concrete or tile gravel pathways, natural lava stone walls, wooded decks and benches, and craftsmanship should be emphasized.

USES PERMITTED OUTRIGHT

In the Nez Perce Terrace PUD BTP, the following uses and their accessory uses are permitted outright subject to all other requirements of the City of Lewiston ordinances and when in conformance with the limitations on use and development standards of this district:

- Personal service uses such as computer repair, mail boxes or archive storage.
- Professional offices such as attorney, doctor, dentist, accountant.
- Research and development establishments, including the manufacture or creation of prototype products or processes.
- Biotechnology.
- Processing including data processing.
- Robotics.
- Telecommunications.
- Public or governmental offices or semi-public uses which uses are similar to other uses permitted outright in this area.
- Assembly.
- Electronics.
- Pharmaceuticals.
- Printing and publishing houses, including newspaper publishing.
- Day care center.
- Financial institutions.
- Precision instruments.
- Other uses of similar nature or general character to those specifically permitted in the district, provided they are deemed fitting or compatible by determination of Planning and Zoning with the purpose, uses permitted outright, and limitations on uses as stated in this document.

ACCESSORY USE PERMITTED

In the BTP, the following uses and their accessory uses are permitted when authorized:

- Other neighborhood, business, commercial or technology services which are not permitted outright but which are consistent with the purpose of the BTP, and are not

- detrimental to any of the outright permitted uses or other nearby residential uses.
- Supporting retail services such as dry cleaning service, barber/beauty shop, eating establishment, coffee bar, and sandwich shop. These services shall be limited to four thousand square feet per fifteen acres.
 - Accessory uses may not be established until the primary use of the property is established.

USES NOT PERMITTED

- Warehousing.
- Truck terminals.
- Tire recapping.
- Metal fabrication.
- Storage of materials.
- Contractors shops and yards.
- Motor vehicle sales and repair.
- Rock crushing.
- Asphalt and cement plants.
- Slaughter houses.
- Food processing.
- Grain storage.

YARDS

BTP minimum yard requirements shall be as follows:

- A front yard shall be twenty (20) feet or thirty-five (35) feet from the centerline of the street, whichever is greater.
- A side yard shall be a minimum of five (5) feet and the total of both side yards shall be a minimum of fifteen (15) feet, except that on corner lots the side yard on the street side shall be a minimum of fifteen (15) feet from the property line or thirty-five (35) feet from the centerline of the street, whichever is greater.
- A rear yard shall be a minimum of twenty (20) feet.
- Side and rear yards shall be increased by one foot for each foot by which a building exceeds thirty-five (35) feet.
- Off street parking shall not be located in required front or street side yards.

LOT COVERAGE

In a BTP, buildings shall not cover more than forty-five (45) percent of the lot.

HEIGHT OF BUILDINGS

In a BTP maximum height for buildings: None except thirty-five (35) feet when on a lot abutting a residential area.

FENCES

No fences shall be constructed within required front yards or street side yards. However, vegetation dividers will be permitted.

LC - LOCAL COMMERCIAL

PURPOSE

The purpose of the Local Commercial (LC) is to permit the establishment of commercial business along a major street while minimizing their impacts on nearby residential uses. This classification is intended to provide for the location and grouping of compatible uses having similar operation as they involve enterprises which depend primarily on the transient motor vehicle-based trade. By concentration of such uses, this PUD intends to increase public convenience when utilizing such services and to allow such activities to render the maximum service.

DEVELOPMENT STANDARDS

In a LC the lot size shall be as follows:

- Maximum lot size: None.
- Minimum distance between driveway access along Nez Perce Drive shall be three hundred (300) feet.

USES PERMITTED OUTRIGHT

In the Nez Perce Terrace PUD LC the following uses and their accessory uses are permitted outright subject to all other requirements of the City of Lewiston ordinances:

- Retail enterprises dispensing food or commodities including on-premise sales, sales requiring delivery of goods, and drive-up facilities such as shopping centers and malls, grocery stores, gasoline service stations, sales or rental lots for automobiles, mobile homes, trailers, boats and heavy duty equipment.
- Convenience food stores.
- Financial institutions.
- Retail sales and service.
- Small animal hospital or clinic.
- Mail boxes, postal service.
- Small animal hospital, clinic or kennel.
- Medical or dental clinic.
- Car wash.
- Eating, drinking, entertainment, dancing and recreation establishments, including restaurants, bars, theaters, video arcades, dance halls and physical fitness center.
- Public off-street parking facilities, whether publicly or privately owned or operated.
- Hotels and motels.
- Laundries, Laundromats and dry cleaning services.
- Recreational vehicle parks.

YARDS

LC minimum yard requirements shall be as follows:

- A front yard shall be (20) feet or thirty-five (35) feet from the centerline of the street, whichever is greater.
- A side yard shall be a minimum of five (5) feet and the total of both side yards shall be a minimum of fifteen (15) feet, except that on corner lots the side yard on the street side shall be a minimum of fifteen (15) feet from the property line or thirty-five feet (35) from the centerline of the street, whichever is greater.
- A rear yard shall be a minimum of twenty (20) feet.
- Side and rear yards shall be increased by one foot for each foot by which a building exceeds thirty-five (35) feet.

LOT COVERAGE

In an LC, buildings shall not cover more than forty-five (45) percent of the lot.

HEIGHT OF BUILDINGS

In an LC maximum height for buildings: None except thirty-five (35) feet when on a lot abutting a residential area.

FENCES

No fences shall be constructed within required front yards or street side yards. However, vegetation dividers will be permitted.

RC - REGIONAL COMMERCIAL

PURPOSE

The purpose of the Regional Commercial (RC) is to permit the establishment of areas for varied types of commercial uses to meet the needs of the regional market area for commercial goods and services. Such uses shall be readily accessible from streets designated as principal or minor streets, while minimizing their impacts on nearby uses. By concentration of such uses this PUD intends to increase public convenience when utilizing such services and to allow such activities to render the maximum service. The regional commercial use is intended for large mall and individual style retail sales buildings that would share large parking lots.

DEVELOPMENT STANDARDS

In a RC the lot size shall be as follows:

- Maximum lot size: None.

USES PERMITTED OUTRIGHT

In the Nez Perce Terrace PUD RC the following uses and their accessory uses are permitted outright subject to all other requirements of the City of Lewiston ordinances:

- Shopping centers and malls.
- Grocery stores.
- Retail sales.
- Public off-street parking facilities, whether publicly or privately owned or operated.
- Hotels and motels.
- Eating, drinking, entertainment, dancing and recreation establishments, including restaurants, bars, theaters, video arcades, dance halls and physical fitness center.

YARDS

RC shall have no minimum yard requirements.

LOT COVERAGE

In an RC, buildings shall not cover more than fifty (50) percent of the lot.

HEIGHT OF BUILDINGS

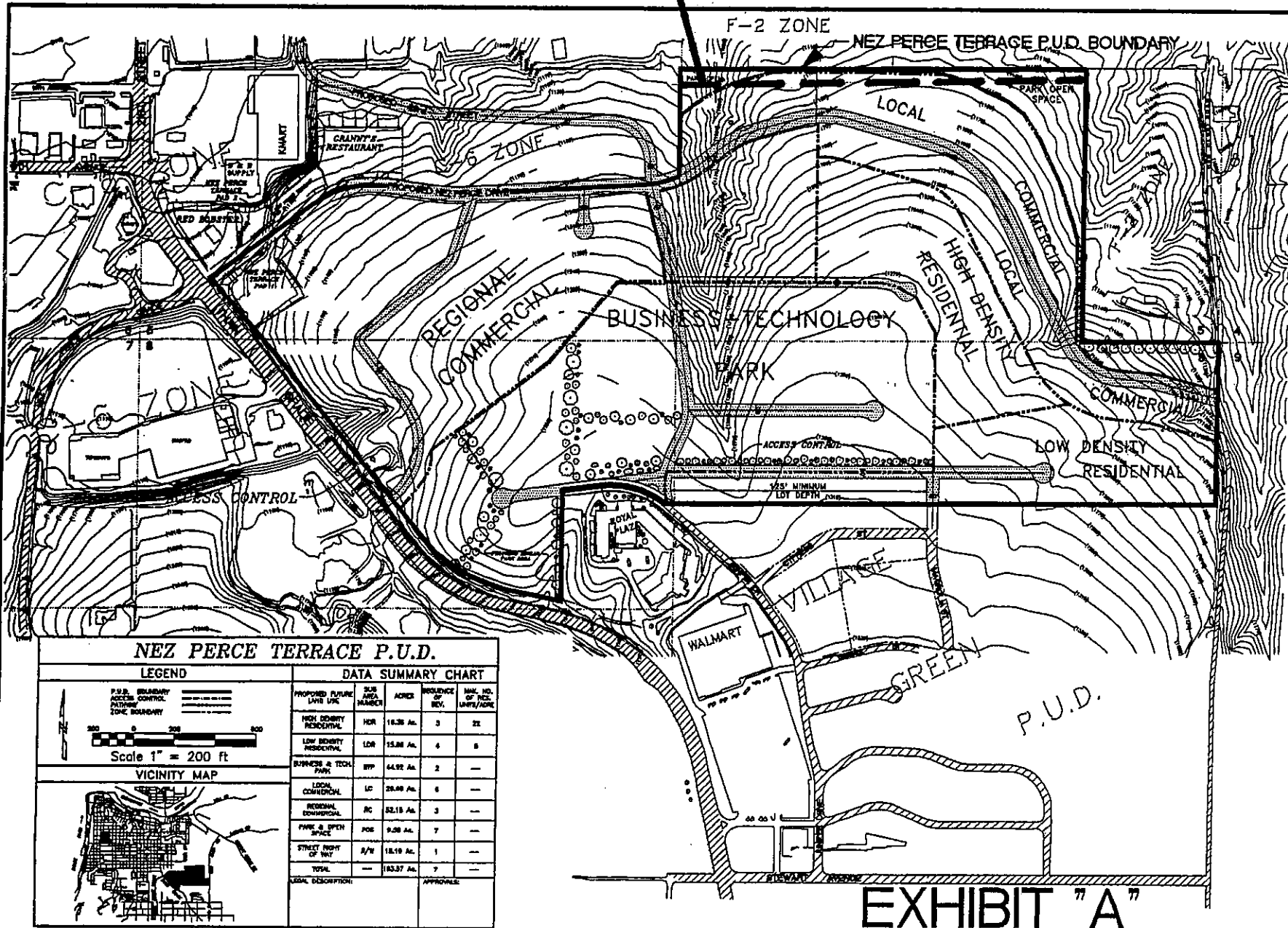
In an RC no building shall exceed a height of sixty (60) feet.

FENCES

No fences shall be constructed within required front yards or street side yards. However, vegetation dividers will be permitted.

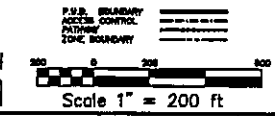
Required 75
Foot Bufferyard

F-2 ZONE
NEZ PERCE TERRACE P.U.D. BOUNDARY



NEZ PERCE TERRACE P.U.D.

LEGEND



VICINITY MAP



DATA SUMMARY CHART

PROPOSED FUTURE LAND USE	SUB AREA NUMBER	ACRES	PERCENTAGE OF DEV.	MAX. NO. OF RES. UNITS/ACRE
HIGH DENSITY RESIDENTIAL	HDR	18.38 AC.	3	22
LOW DENSITY RESIDENTIAL	LDR	15.88 AC.	6	8
BUSINESS & TECH. PARK	BTP	44.92 AC.	2	—
LOCAL COMMERCIAL	LC	28.80 AC.	6	—
REGIONAL COMMERCIAL	RC	52.15 AC.	3	—
PARK & OPEN SPACE	POS	9.28 AC.	7	—
STREET RIGHT OF WAY	R/W	18.18 AC.	1	—
TOTAL	—	183.57 AC.	7	—

LEGAL DESCRIPTION: APPROVAL:

PROGRESSIVE ENGINEERING GROUP, INC.
PLANNING & DESIGN + CONSTRUCTION MANAGEMENT

NEZ PERCE TERRACE P.U.D.
McCANN LIMITED PARTNERSHIP
LEWISTON, ID 83501

EXHIBIT "A"

August 4, 2000

To: City of Lewiston
From: Nez Perce PUD

Re: Proposed Traffic Mitigation

In response to the City of Lewiston's Letter dated June 26th and 27th and the meeting held July 17th between the City and Nez Perce PUD, the Nez Perce PUD is proposing the following traffic mitigation. The Nez Perce Terrace PUD and their consultants used the following points to determine their participation for each item.

- Proper Intersection
- Correct Mitigation
- Potential Costs
- Available Right of Way
- City Participation
- Timing

Our goal in making this proposal is to balance the potential traffic impact of development in the PUD with pre-existing traffic conditions and challenges.

1) The Intersection of 16th Ave and 21st Street.

- Mitigation
 - The east leg of the intersection shall be widened to accommodate an exclusive left turn bay, exclusive through lane and an exclusive right turn bay.
- NPPUD:
 - The PUD will construct the additional right turn lane, including curb and gutter and relocate the signal pole and arm located on the northeast corner, with the understanding that sufficient right of way exists for the project and no additional signalization is required.
- City of Lewiston:
 - The City will provide the design for the improvements and will be responsible for the signal timing and will obtain permission from the adjacent property owner, to remove the existing curb cut located on 21st street.
- Timing:
 - The intersection shall be completed at the time 23rd Street is connected to Nez Perce Drive.

August 4, 2000

Re: Proposed Traffic Mitigation

2) **23rd Street.**

a. 16th Avenue to the north end of the 23rd street extension.

- Mitigation:
 - The existing city street has 80 feet of right of way and shall be brought to Commercial Collector standards with 44 feet of paving, curb to curb.
- NPPUD:
 - The PUD will install the base, asphalt and striping.
- City of Lewiston:
 - The City will be responsible for the permit costs, the cost and installation of the curb, gutter and sidewalk, street lighting and any fire hydrant extensions. The City will be responsible for any road widening to accommodate these improvements.
- Timing:
 - NPPUD will coordinate the work with the City of Lewiston to complete the improvements within 30 days from the date the City of Lewiston installs the curbs and gutters. The City of Lewiston will coordinate the timing of their improvements to correspond to NPPUD's construction of the 23rd street extension, so that all asphalt work can be completed at the same time.

b. 23rd Street extension based on the original 23rd street improvement plans.

- Mitigation:
 - 23rd Street shall be connected to Nez Perce Drive. Construction shall be at Local Commercial standards with a 60-foot right of way and 40 foot curb to curb. The asphalt thickness to be based on bearing ratios set forth per the designing engineer.
- NPPUD
 - The PUD will be responsible for the design, costs and construction of the street extension.
 - Sidewalks shall be installed within five years of the time construction is completed on the street or as a condition of a building permit for construction on a lot fronting on 23rd Street, whichever is sooner.
- City of Lewiston:
 - The City will be responsible for coordinating the timing of their portion of the improvements to match NPPUD's work requirements.
- Timing:
 - NPPUD will design this extension and will submit for City of Lewiston permit approval prior to the issuance of the first building permit in the Regional Commercial. Upon approving the design for this extension, the City of Lewiston will allow NPPUD to hold this permit until construction is deemed necessary. The new street shall be constructed within three (3)

months from the notification from the City of Lewiston, and verified by an independent traffic engineer, that the level of service from or to Nez Perce Drive at Thain Road is within 5% of a Level D, as a result of additional traffic generated by the Nez Perce PUD. The City of Lewiston and NPPUD agree to mutually monitor the traffic at this intersection. The City of Lewiston will be responsible for determining car counts and the NPPUD will be responsible for counting the turning movements. A base count shall be determined upon the issuance of the first building permit in the Regional Commercial. Subsequent counts shall be taken every two years after the base count or when deemed necessary by NPPUD or the City of Lewiston but in no case more often than on an annual basis.

3) The intersection of 19th Avenue and 21st Street.

- Mitigation:
 - An additional right turn lane turning south from the west side of the intersection shall be added.
- NPPUD:
 - The PUD will contribute \$95,000 as their fair share towards the agreed upon mitigation for this intersection.
 - The contribution will be placed in an interest bearing escrow account. If the construction contract for this work is not awarded within five years of funding, the escrow including interest, shall be returned to the NPPUD.
- City of Lewiston:
 - The City will be responsible for the design, costs and construction of these improvements.
- Timing:
 - The contribution shall be made at the issuance of the building permit that brings the total building square footage in the PUD to 500,000 square feet.

4) The intersection of Thain Road, Nez Perce Drive and Nez Perce Grade.

- Mitigation:
 - Signal reconfiguration for east/west left turn phase.
 - Southbound Thain Road, the left turn bay shall be re-stripped to provide 225' of storage or maximum available space.
- NPPUD:
 - Striping as required.
 - Signal changes
- City of Lewiston:
 - Signal timing.
- Timing:
 - Completed prior to the issuance of the first Certificate of Occupancy for the PUD.

August 4, 2000

Re: Proposed Traffic Mitigation

5) The intersection of Thain Road and Shopko entrance.

- Mitigation:
 - 100' southbound left turn lane striped.
 - Signal reconfiguration.
- NPPUD:
 - The PUD will construct the new eastside leg, install striping for 100' left turn lane and reconfigure the traffic signals.
- City of Lewiston:
 - Signal timing.
- Timing:
 - Condition of the first Certificate of Occupancy served by this intersection.

6) The intersection of Thain Grade and Staples entrance.

- Mitigation:
 - 100' southbound left turn lane striped.
 - Signal reconfiguration.
- NPPUD:
 - The PUD will construct the new eastside leg, install striping for 100' left turn lane and reconfigure the traffic signals.
- City of Lewiston:
 - Signal timing.
- Timing:
 - Condition of the first Certificate of Occupancy served by this intersection.

7) The intersection of Thain Road and Stewart Avenue.

- Mitigation:
 - Westbound left turn lane lengthened to 175' with raised channelization.
 - Reconfigure existing Wal-Mart access to Stewart.
 - Reconfigure existing Wal-Mart access to Thain
- NPPUD:
 - The PUD will extend the westbound turn lane with raised channelization. The PUD will reconfigure the existing Wal-Mart access to Stewart if necessary. The PUD shall be responsible for the design of the improvements to Stewart Avenue.
- City of Lewiston:
 - Thain Road engineering and design.
 - If necessary, the City of Lewiston will gain approval from Wal-Mart for the reconfiguration of the existing access from Wal-Mart to Stewart.
 - The City of Lewiston shall be responsible for any revisions to Wal-Mart's access from Thain Road.
- Timing:
 - Condition of the first Certificate of Occupancy in the Business Tech Park and access to Juniper Drive from the PUD.

August 4, 2000

Re: Proposed Traffic Mitigation

8) The intersection of Stewart Ave and Juniper Drive.

- Mitigation:
 - Southbound lanes shall be striped to provide dedicated left and right turns.
 - Revised signage.
- NPPUD:
 - The PUD will install the striping.
 - The PUD will install the signage.
- City of Lewiston:
 - Traffic specifications.
- Timing:
 - Condition of the first Certificate of Occupancy in the Business Tech Park and access to Juniper Drive from the PUD.

9) The intersection of Nez Perce Drive and Gun Club Road

- Mitigation:
 - Intersection to include northbound and eastbound left turn lanes.
- NPPUD:
 - PUD agrees to this requirement as a condition of the intersection.
- City of Lewiston:
 - Traffic specifications.
- Timing:
 - Completed at the time the intersection is constructed.

10) The intersection of 23rd Street and Nez Perce Drive.

- Mitigation:
 - Construction to provide for four way full stops.
- NPPUD:
 - PUD agrees to this requirement as condition of the intersection.
- City of Lewiston:
 - Traffic specifications.
- Timing:
 - Completed at the time the intersection is constructed.

August 4, 2000

Re: Proposed Traffic Mitigation

11) The intersection of Stewart Ave and 10th Street.

- Mitigation:
 - Addition of a northbound left turn lane
- NPPUD:
 - No responsibility.
- City of Lewiston:
 - Traffic Engineering.
 - The City of Lewiston is responsible for all costs of design and construction.
- Timing:
 - At the City of Lewiston's discretion.

12) The intersection of Warner, 10th Street and Thain Road.

- Mitigation:
 - City determined mitigation.
- NPPUD:
 - The PUD will contribute a fair share allocation to the project not to exceed \$7,500.00.
 - The contribution will be placed in an interest bearing escrow account and released at the time the construction contract is awarded. If not awarded within five years of funding, the escrow shall be released to NPPUD.
- City of Lewiston:
 - The City of Lewiston will be responsible for the design, and construction of the improvements to the intersection.
- Timing:
 - The contribution shall be made at the issuance of the building permit that brings the total building square footage in the PUD to 500,000 square feet.

13) General Agreements:

- In the event revisions to an intersection above creates spare traffic signal equipment, such as masts, arms or lights, such equipment shall be first used in support of the above mitigation then shall become the property of the City of Lewiston. If in the future, additional traffic control equipment is required within the PUD and this equipment is available in the City of Lewiston's surplus, then these items shall be made available to the PUD.


July 21, 2000


Re: Proposed Traffic Mitigation

If this proposal is acceptable to the City of Lewiston, please have the authorized person(s) sign below. A final recording document will be prepared once the agreement is approved.

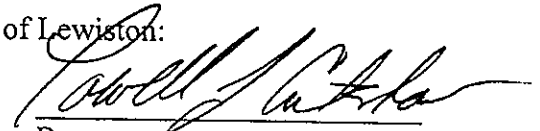
Nez Perce PUD:


McCann Limited Partnership

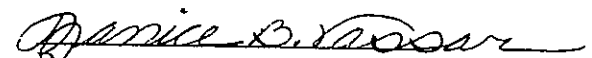

Bedrock, LLC


Port of Lewiston

City of Lewiston:


By:


By:


By:

Port of Lewiston

1626 6th Avenue N. • Lewiston, ID 83501
(208) 743-5531 • Fax (208) 743-4243
E-mail: portinfo@lewiston.com

PORT COMMISSIONERS:
President
Dale R. Alldredge
Vice President
Peter K. Wilson
Secretary-Treasurer
Terry B. Kolb

ADMINISTRATION:
Manager
David R. Doeringsfeld
Office Manager
Diane N. Hausen

MEMO

November 3, 2000

TO: Bedrock and MLP

FROM: David Doeringsfeld

RE: Follow-up to Oct. 30, 2000 Meeting

Thank you for taking the time to meet with the Port Commission on Monday. I would like to review the following issues covered during the meeting:

1. Bedrock/MLP are committed to filling the draw no later than July 2001. MLP and Bedrock will revise the draft agreement to reflect how they will share this responsibility. Sheldon is revising the draft agreement.
2. The Port intends to purchase 3 acres and option 18.5 acres from MLP for the Business and Technology Park. Without this property, the community would not fulfill the commitments to EDA and the Dept. of Commerce. The grant applications are for a 50 acre Business and Tech. Park of which 45 acres would be publicly owned.
3. Bedrock/MLP will purchase or exchange 11.47 acres from the Port of Lewiston.
4. The land values previously agreed upon for MLP's 21 acres and the Port's 11.47 acres shall remain the same. Sheldon is drafting language to accommodate the exchange/sale of the properties.
5. The Port will contribute 25% of the mitigation cost for the following items:
 - 1 • The intersection of 16th Ave. and 21st St. \$55,000.00
 - 2 • The intersection of 19th Ave. and 21st St. \$95,000.00
 - 3 • The intersection of Thain Rd. and Nez Perce Dr. \$ 5,000.00
 - 4 • The intersection of Thain Rd. and Stewart Ave. \$ 7,500.00
 - 5 • The intersection of Stewart Ave. and Juniper Dr. \$ 2,500.00
 - 6 • The intersection of 23rd and Nez Perce Dr. \$ 3,000.00

• The intersection of Stewart Ave. and 10th St.	\$25,000.00	N/A
7 • The intersection of Warner, 10 th St. and Thain Rd.	\$ 7,500.00	
✓ • The cost of asphalt pavement on 23 rd St. from Kmart to 16 th Ave.	\$80,000.00	

TOTAL	\$280,500.00
--------------	--------------

$\ast 255,500 \times 25\% = 63,875$

- \$280,500.00 x 25% = \$70,125.00 – Port Contribution

6. Right-of-Way Agreement – MLP is revising the draft ROW agreement between the City and MLP. The granting agencies will not release funds to begin design work on the road until the ROW agreement is executed.
7. Schedule – It is imperative that we complete the revisions to the draft agreements ASAP. The agreement between MLP, Bedrock and the Port should be executed by November 10, 2000. The ROW agreement between the City and MLP should be executed by November 17, 2000.

COUNTEROFFER

As a counteroffer to that certain Real Estate Purchase and Sale Agreement dated May 16, 2001 wherein BEDROCK, L.L.C. is the purchaser and the PORT OF LEWISTON is the Seller, for the sale and purchase of that portion of Lot 3, Nez Perce Terrace No. 3 Administrative Plat which is located in the Northwest Quarter of Section 8, Township 35 North, Range 4 W.B.M., Nez Perce County, Idaho, the Port of Lewiston accepts the offer of Bedrock L.L.C., upon the following conditions:

RAW
DRA

1. The first sentence of Paragraph 9(f) shall be amended with the replacement of the term "There are no" with the term "Seller has no knowledge of". Further, in said Paragraph 9(f) and immediately prior to the last full sentence thereof, the following shall be inserted at the beginning of said sentence: "To the best of the Seller's knowledge".

RAW
DRA

2. In Paragraph 11, the second sentence shall end after the word "Purchaser" in line four of said paragraph, with all phrases after such word being deleted. Further, the next full sentence shall be deleted.

RAW
DRA

3. As additional consideration, the Purchaser shall agree that the mitigation costs of the Port of Lewiston, as set forth in that certain August 4, 2000 Traffic Mitigation Letter signed by the Nez Perce County P.U.D. members and the City of Lewiston, shall be limited to ~~the sum of \$65,875.00.~~ ^{25% OF THE COSTS SET FORTH ON EXHIBIT A.} Purchaser shall assume and pay any

RAW
DRA

Counteroffer

amount above this portion of the mitigation cost(s) ~~and shall indemnify and hold the Port of Lewiston harmless from the payment of costs above \$62,875.00.~~
~~NO EXCESS OF SAID 25%~~

RAW
DCA

4. Purchaser is aware the Port of Lewiston is currently negotiating with the Joe and Frances McCann Family Limited Partnership, known as MLP for the purchase of certain real property located within what is known to the parties as the Business Technology Park and generally located to the east of the planned Juniper Drive Extended. The exact location of said property is well known to both parties. The Purchaser is further aware that the Port of Lewiston is negotiating with MLP for the purchase of a portion of property known to the parties as Nez Perce Drive Extended. This present sale is specifically conditioned upon both of said agreements have been successfully completed, with the final documents having been executed by both MLP and the Port of Lewiston prior to the closing of this present transaction.

RAW
DCA

5. The parties further agree that the Port of Lewiston has made it known to the Purchaser that unless an agreement entitled "*Agreement Regarding Transfer of Real Property for Dedication of Right of Way and Granting of Easements*" had been successfully completed, The Port of Lewiston would not be willing to sell the property subject to this purchase agreement to the Purchaser. The Port of Lewiston is now willing to complete the present sale of the property to the Purchaser even though said "*Agreement Regarding Transfer of Real Property for Dedication of Right of Way and Granting of Easements*" has not been completed, PROVIDED the Purchaser will agree to use their best efforts to influence the parties affected by said agreement to conclude

RAW
DCA

Counteroffer

negotiations and execute said agreement no later than July 1, 2001. Further, that in the event that said agreement is not concluded, for whatever reason whatsoever, by said date, that, as additional consideration for the Port of Lewiston agreeing to sell the property subject to this agreement to the Purchaser, said Purchaser agrees to pay to the Port of Lewiston the sum of \$1,000.00 per day for each day after July 1, 2001 up until the time said agreement is executed.

RAW
DWA

6. The Agreements of the parties as herein set forth shall survive the closing of this sale. ~~The parties shall enter into a further agreement at closing which reflects the conditions of this counteroffer.~~

RAW
DWA

7. This Counteroffer shall remain open until June 1, 2001 or until acceptance by the Seller.

RAW
DWA

8. This instrument may be executed in multiple counterparts, all of which shall be deemed originals and with same effect as if all parties hereto had signed the same document. All of such counterparts shall be construed together and shall constitute one instrument, but in making proof it shall only be necessary to produce one such document.

RAW
DWA

9. Facsimile transmission of any signed original document and retransmission of any signed facsimile transmission shall be the same as delivery of an original. At the

RAW
DWA

request of either party, or the closing agent, the parties will confirm facsimile transmitted signatures by signing an original document.

DATED this 25 day of May, 2001.

SELLER:

PORT OF LEWISTON

By Peter K. Wilson
Title: President

David Aldridge
VICE PRESIDENT
5-29-01

The conditions set forth above by the Port of Lewiston are acceptable. Purchaser agrees that this sale shall be completed as proposed by the Port of Lewiston in their Counteroffer.

PURCHASER:

BEDROCK, L.L.C.

By Richard A. Vandenberg
Title: Managing Member

Counteroffer

4

05/29/01 TUE 16:16 [TX/RX NO 8995]

EXHIBIT "A"

The Port of Lewiston will contribute 25% of the mitigation cost for the following items:

1. The intersection of 16th Ave. and 21st St.
2. The intersection of 19th Ave. and 21st St.
3. The intersection of Thain Rd. and Nez Perce Dr.
4. The intersection of Thain Rd. and Steward Ave.
5. The Intersection of Stewart Ave. and Juniper Dr.
6. The intersection of 23rd and Nez Perce Dr.
7. The intersection of Warner, 10th St. and Thain Rd.
8. The cost of asphalt pavement on 23rd St. from Kmart to 16th Ave.

REV DRA

Appendix E: Zoning Definitions

City of Lewiston P.O. Box 617, 215 D Street Lewiston, ID 83501 Phone: (208) 746-1318; Fax: (208) 746-5595

PORT ZONE P

Sec. 37-109. Port Zone P.

(a) *Purpose:* To provide zoning for uses, buildings and structures in which port facilities may be installed and used for port or port oriented development. Port facilities may include the following in accordance with the comprehensive plan for port development as adopted or amended by the Port of Lewiston, Idaho: Piers, wharves, cranes, derricks, railroad spurs, aprons, transit storage, dolphins, and other uses, buildings, and structures which may be compatible with and useful to the development of the port. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 54, 10-25-99)

Sec. 37-110. Uses permitted outright.

In the “P” Zone, the following uses and their accessory uses are permitted when they are in conformance with the standards and requirements of Article IV of this chapter:

- (1) Auto, manufactured home, recreational, heavy equipment sales and service;
- (2) Boat sales and marina;
- (3) Chemical and fertilizer storage, blending and distribution facilities;
- (4) Commercial entertainment facility – indoor;
- (5) Commercial marina;
- (6) Commercial or industrial laundry;
- (7) Concrete or concrete products manufacturing;
- (8) Eating and drinking establishments;
- (9) General contracting and storage yard;
- (10) Grain storage;
- (11) Greenhouses and nursery;
- (12) Manufacturing, fabricating, processing, repairing, packing or storage except a use specifically listed as a conditional use in the M-2 Zone;
- (13) Mineral storage;
- (14) Mini-storage;
- (15) Offices;
- (16) Petroleum products storage and distributing facilities;
- (17) Port facilities as described above;
- (18) Public uses which uses are similar to other permitted uses in this zone;
- (19) Recycling center;
- (20) Retail sales and service;
- (21) Service station;
- (22) Solid waste handling facilities;
- (23) Telecommunications towers, subject to the standards of section 37-13.1(4) of this code;
- (24) Alternative telecommunications towers, subject to the standards of section 37-163(2) of this code;
- (25) Tire recapping;

Sec. 37-110. Uses permitted outright.

- (26) Transportation facilities;
- (27) Truck terminal;
- (28) Veterinary clinic or kennel;
- (29) Warehouse;
- (30) Wholesale distribution;
- (31) Wood processing plant;
- (32) Wood products storage.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4160, § 1, 6-3-96; Ord. No. 4249, § 55, 10-25-99; Ord. No. 4322, § 4, 12-9-02; Ord. No. 4387, § 5, 2-14-05)

Sec. 37-111. Conditional uses permitted.

In a “P” Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Articles IV and IX:

- (1) Other public use;
- (2) Semi-public use;
- (3) Scrap metal storage;
- (4) Asphalt plant;
- (5) Meat packing plant excepting stockyards;
- (6) Cement manufacturing;
- (7) Chemical storage and manufacturing, including farm fertilizers;
- (8) Rendering plant;
- (9) Heliport;
- (10) Quarrying;

(11) Other manufacturing uses which are not permitted outright but which are consistent with the purpose of the port zone and are not detrimental to any of the outright permitted uses or other existing conditional uses. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4160, § 2, 6-3-96; Ord. No. 4249, § 56, 10-25-99)

Sec. 37-112. Limitations on use.

In a “P” Zone, the following limitations on use shall apply:

- (1) Any use which creates a nuisance because of noise, smoke, odor, dust or gas is prohibited.
- (2) Materials shall be stored and grounds maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
- (3) All service, processing, and storage on property abutting or facing a residential zone or a through highway shall be wholly within an enclosed building or screened from view from the residential zone or a through highway by a permanently maintained, sight obscuring fence at least eight (8) feet high.
- (4) Access from a public street to properties in the “P” Zone shall be so located as to minimize traffic congestion and avoid directing industrial traffic onto residential streets.
- (5) Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.

(6) Effluent from permitted uses cannot be returned to the rivers without prior treatment or processing to insure compliance with existing city ordinances and state and federal pollution control standards. (Ord. No. 4108, § 2, 8-15-94)