



**Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
March 13, 2024 - 5:30 PM
Bell Building – Second Floor Conference Room – 215 D Street
Lewiston, Idaho 83501**

Seating will be available on a first-come, first-served basis. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's website at cityoflewiston.org.

I. CALL TO ORDER

II. CITIZENS COMMENTS

An opportunity for citizens to address the Commission with comments and/or questions about Planning and Zoning Commission-related matters that are not a public hearing action item on this agenda. Citizens are asked to limit their time to three minutes each.

III. ACTIVE AGENDA

A. APPROVAL OF FEBRUARY 28, 2024 MEETING MINUTES (ACTION ITEM)

B. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR APPLICATION ZNC24-1 BY 3D STOUT LLC (ACTION ITEM): The applicant proposes that tax parcel RPL15350010010, generally located north of the Old Spiral Highway, south of the city limits line, immediately west of 1520 Vastview Drive and containing approximately 17.6 acres of vacant land, be rezoned from Agricultural Transitional, F2, Zone to Light Industrial, M1, Zone. - Action Item

C. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR APPLICATIONS ANX24-1, CPA24-1, AND ZNC24-2 BY JOE GRECO (ACTION ITEM): The applicant proposes that the undeveloped 22.11 acres located south of Powers Ave and east of 23rd Street, immediately adjacent to the existing Skyview Estates Phase 3 subdivision, be removed from the Lewiston Area of City Impact and annexed into Lewiston city limits and that it be assigned a Comprehensive Plan Land Use Designation of Low Density Residential and placed in the Low Density Residential, R2, Zoning District and amending the Lewiston Area of City Impact Map accordingly. - Action Item

IV. STAFF-COMMISSION COMMUNICATIONS

A. QUERY OF COMMISSIONERS FOR THE MARCH 27, 2024 MEETING (REASONED STATEMENTS).

V. ADJOURNMENT - Action Item

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact the Community Development Specialist at least forty-eight (48) hours in advance of the meeting at 208-746-1318, ext. 7265.

February 28, 2024

The LEWISTON PLANNING AND ZONING COMMISSION met in the Community Development Department Second Floor Conference Room at 215 "D" Street. Chair Ball called the meeting to order at 5:30 p.m.

I. CALL TO ORDER

COMMISSIONERS PRESENT: Cynthia Ball, Chair; Gabriel Iacoboni, Vice Chair; Maureen Anderson; Michael Busch; Kevin Kelly; Emily Wolf

COMMISSIONERS EXCUSED: Kathy Branson;

STAFF MEMBERS PRESENT: Dawn Ortiz, Community Development Specialist; Aaron Butler, IT; Jennifer Tengono, Assistant City Attorney

II. CITIZEN COMMENTS

None

III. ACTIVE AGENDA

A. APPROVAL OF FEBRUARY 14, 2024 MEETING MINUTES (ACTION ITEM)

Commissioners Busch and Kelly moved and seconded, respectively, approval of the February 14, 2024 meeting minutes with conditions. The motion carried 6-0.

B. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS APPROVING CONDITIONAL USE PERMIT APPLICATION CUP24-1 BY STEVE CARLTON (ACTION ITEM):

Commissioners Anderson and Iacoboni moved and seconded, respectively, to approve the Reasoned Statement as written for CUP24-1. The motion carried 6-0.

IV. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for March 13, 2024 meeting.

All current commissioners plan to be in attendance for the March 13, 2024 meeting.

Commissioner Iacoboni did ask if the last interview for the soon-to-be open seat will be sent to City Council.

Staff Ortiz stated they it should be in front of City Council on the March 11th meeting.

V. ADJOURN

There being no further business, Commissioner Bushc and Kelly moved and seconded, respectively, to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 5:37 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2024.

CK# 1058

STAFF USE ONLY

Case Number: 2NC24-1

Hearing Date: 3.13.24



APPLICATION FOR ZONE CHANGE

By submitting this application to the City of Lewiston you are entering a quasi-judicial process. As such, you must not discuss the application with any member of the Lewiston Planning and Zoning Commission, or the Lewiston City Council, outside of the public hearing at which this matter will be heard.

APPLICANT INFORMATION

Full Name: 3D Stout LLC Date: 2-9-24
Last First M.I.

Address: 2858 Hwy 95 Apartment/Unit #
Street Address
Genesee ID. 83932
City State ZIP Code

Phone: (208)-305-4712 Email StoutFarmers@gmail.com

Property Owner: 3D Stout LLC Phone: (208) 305-4712

Property Owner Mailing Address: 2858 Hwy 95

DESCRIPTION OF PROPERTY

Street Address of Subject Property: N/A Spiral Hwy

Subdivision Name: _____

Block: _____ Lot: RPL 15350010010

OR, if not part of a subdivision, attach a metes and bounds description

NATURE OF REQUEST

Change **FROM** Zone District: F2 **TO** Zone District: M1

The Planning and Zoning Commission shall evaluate a requested amendment to a zoning district to determine the nature and extent of the requested change. If it is an accord with the adopted comprehensive plan, the commission may recommend and the council may adopt or reject the requested change. The commission may request documentation of land use impacts, both existing and proposed, through studies, presentations, or other documents, and may require said documentation to be stamped and signed by professionals deemed qualified by the commission.

Please provide **WRITTEN** responses to the following questions:

1. What is the Comprehensive Plan Designation of the property and of the adjoining properties? Describe how the requested zoning classification conforms to the adopted Comprehensive Plan map and text.

The plan designation for this property is re-zoning from F2 to M1.

Future land use designation for the subject property and those immediately adjacent is Industrial.

2. Describe how the subject land is at least as well suited or is better suited for the proposed zoning district than the existing zoning district.

The ~~surrounding~~ ^{nearby} parcels ^{to the east} by our property are zoned M1, Kenworth, Sutton Salvage, Johnson electric, and two other truck repair shops.

3. Describe how the proposed rezone does not present unforeseen, immitigable impacts of incompatible uses or development being located in the same vicinity.

The area surrounding this property as previously stated is already zoned M1. The port owns land to the west of our 17.6 acre parcel, it is zoned "port use" currently. We own land to the north of the 17.6 acre parcel that is zoned F2.

4. Describe how the effects of the proposed rezone are not anticipated to place undue burden upon delivery of services provided by any political subdivision (i.e. taxing entity) within the planning jurisdiction, including school districts.

The proposed rezone would not place a burden upon any delivery service. This is a low traffic area, being a county rd. that lies to North with a low number of residents. The proposed access to our property will not damage or jeopardize any existing infrastructure.

5. Describe how the size, type, intensity and density of development expected to occur on the subject property as a result of this rezoning is suitable for the area and will not unduly burden the neighborhood, public infrastructure or environmental resources.

It will fit right in with the surrounding parcels. The port will be developing their 26 acre parcel next to our proposed rezone. There is only one resident that this rezone could affect, and he owns a business adjacent to our property on ground that is zoned M1.

6. If the subject property is located within a designated historic district, describe how the requested zone change will not be in conflict with the intents and purposes of Lewiston City Code Chapter 19.5, Historic Districts (A Certificate of Appropriateness from the Lewiston HPC is required).

N/A

APPLICANT'S CERTIFICATION

The applicant(s) hereby certifies that the information contained in this application is true and correct to the best of my/our knowledge.

Signature: Wayne S. 3 D Stow LLC manager Date: 2-13-24

The Property Owner hereby authorizes this application:

Signature: Wayne S. 3 D Stow LLC manager Date: 2-13-24

**** INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED ****

QUESTIONS? Contact City Planner Joel Plaskon at 208-746-1318 x 7202

7:01

Nez Perce County Property x +

gis.co.nezperce.id.us/npcmap/

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Introduction Layers

Layers

- ☒ Highways
- ☒ Major Roads
- ☒ All Roads
- ☒ Lakes
- ☒ Streams
- ☒ Parcels
- ☐ Herd Districts
- ☐ Lewiston ACI
- ☐ Subdivision
- ☐ Surveys
- ☐ Zip Code
- ☐ Zoning
- ☒ PLSS
 - ☐ Township & Range
 - ☐ Sections
- ☒ City
- ☒ NPT_ReservationBndry
- ☒ Imagery
 - ☐ Lewiston_2020
 - ☒ Lew_Imagery_2018
 - ☐ NPC_Imagery_2021
 - ☐ NPC_Imagery_2018
- ☒ County Boundary
- ☒ Region

Legend

Property Information

Owner(s): 3D-STOUT LLC

Legal Taxes Assessor Residential Commercial Photos Sketches

Property Address: Mailing Address:
2858 HWY 95
GENESEE, ID 83832

Legal Description: Document Reference:
LEWISTON: STOUT ADDITION
11
WD 869484
WD 869481
WD 824004
PLT 817116
WD 793617

Review Year: 2021 [Properties are reviewed every 5 years]

Selected Properties:1
☒ RPL15350010010

Buffer Zoom All Zoom Current

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will conduct a public hearing at which you may provide testimony on

Wednesday March 13, 2024 at 5:30 pm.

**COMMUNITY DEVELOPMENT DEPARTMENT BUILDING
2ND FLOOR MEETING ROOM,
215 D STREET LEWISTON, ID 83501**

Seating will be available on a first-come, first-served basis. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org.

Testimony for public hearings may be made: in-person at the meeting, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208) 798-2570 and leaving a message.

This public hearing will be to determine approval or denial of the following request:

ZONE CHANGE PROPOSAL ZNC24-1 BY 3D STOUT LLC: It is proposed that tax parcel RPL15350010010, generally located north of the Old Spiral Highway, south of the city limits line, immediately west of 1520 Vastview Drive and containing approximately 17.6 acres of vacant land, be rezoned from Agricultural Transitional, F2, Zone to Light Industrial, M1, Zone.

FOR FURTHER INFORMATION AND TO SUBMIT TESTIMONY, contact the Community Development Department at (208) 746-1318, ext. 7261.

Hearing notice publication date: February 25, 2024.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will conduct a public hearing at which you may provide testimony. This public hearing will be held at a meeting which may have additional public hearings on the agenda.

WEDNESDAY MARCH 13, 2024 at 5:30 P.M.
COMMUNITY DEVELOPMENT DEPARTMENT BUILDING
2ND FLOOR MEETING ROOM,
215 D STREET LEWISTON, ID 83501

Seating will be available on a first-come, first-served basis. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org.

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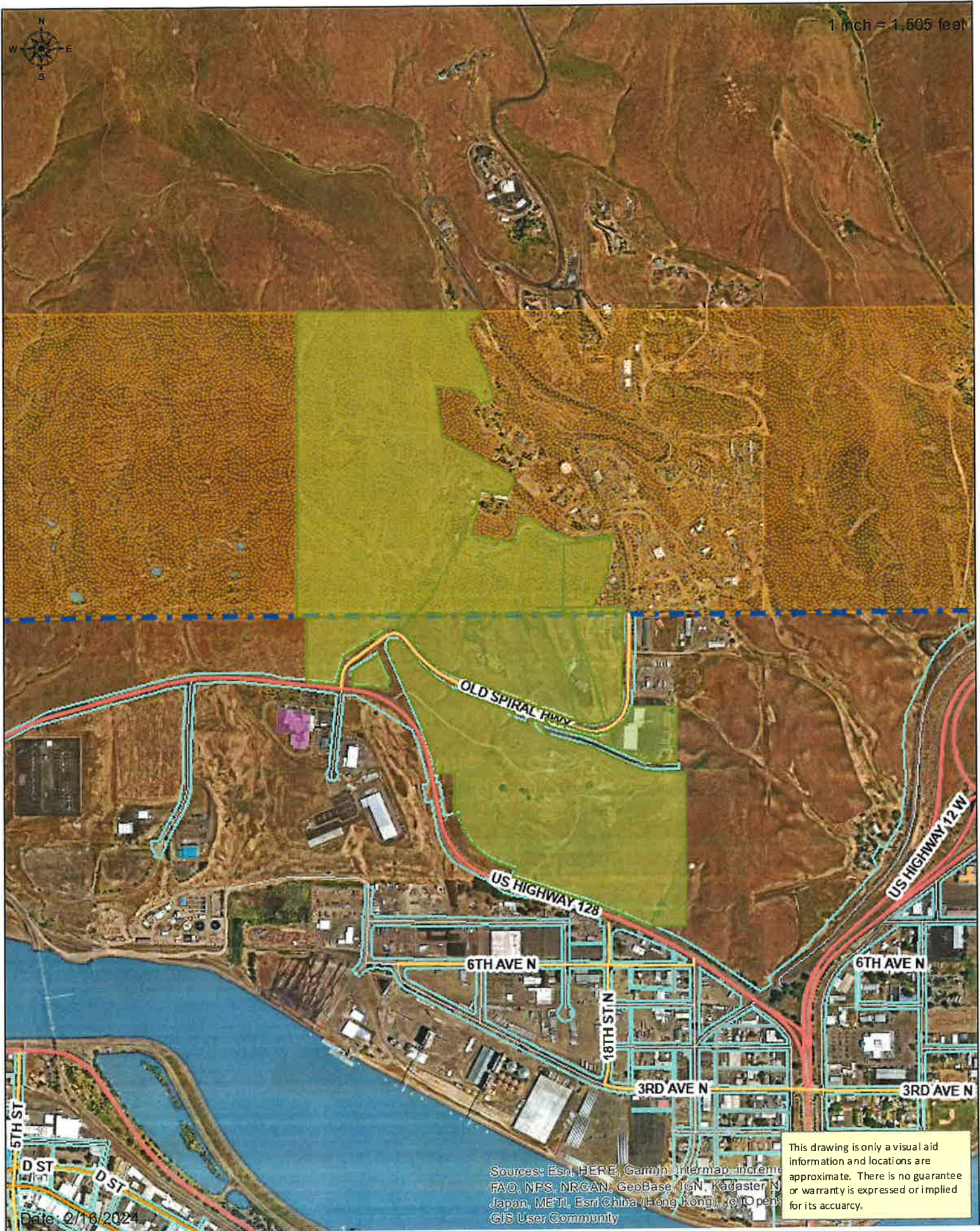
Any person (or persons) aggrieved, may support or oppose the Applicant's request. Persons receiving this notice are encouraged to provide testimony/comment.

For further information on the above zoning action, the public hearing process, or appeal process, please contact the Community Development Department at (208) 746-1318, ext. 7261 or khollingshead@cityoflewiston.org. Our offices are located at 215 'D' Street, Lewiston. Business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

Notice of this public hearing was mailed on February 20, 2024 and 22 persons were noticed.

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact the meeting coordinator at least forty-eight (48) hours in advance of the meeting at (208) 746-1318, ext. 7202.

City of Lewiston



OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
3D-STOUT LLC		2858 HWY 95	GENESEE	ID	83832
MCCANN RANCH & LIVESTOCK CO		P O BOX 445	LEWISTON	ID	83501
SUTTON MITCHELL L &	SUTTON BETSY A	1520 VASTVIEW DR	LEWISTON	ID	83501
TWIN CITY FOODS INC	ATTN: DARBY	P O BOX 699	STANWOOD	WA	98292
3D-STOUT LLC		2858 HWY 95	GENESEE	ID	83832
SUTTON MITCHELL L &	SUTTON BETSY A	1520 VASTVIEW DR	LEWISTON	ID	83501
TREADWAY INVESTMENT CO L L C		2125 S CONSTITUTION BLVD	WEST VALLEY CITY	UT	84119
JOHNSON JARED L		PO BOX 942	LEWISTON	ID	83501
PORT OF LEWISTON		1626 6TH AVE N	LEWISTON	ID	83501
TREADWAY INVESTMENT CO L L C		2125 S CONSTITUTION BLVD	WEST VALLEY CITY	UT	84119
JOHNSON JARED L		PO BOX 942	LEWISTON	ID	83501
JOHNSON JARED L		PO BOX 942	LEWISTON	ID	83501
3D-STOUT LLC		2858 HWY 95	GENESEE	ID	83832



PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 3/5/2024

Case File Number: ZNC24-1

Applicant:

3D Stout LLC
2858 Hwy 95
Genesee, ID 83832

Property Owner:

3D Stout LLC
2858 Hwy 95
Genesee, ID 83832

Site Location:

Tax parcel RPL15350010010, generally located north of the Old Spiral Highway, south of the city limits line and immediately west of 1520 Vastview Drive. A map is attached to this report.

Request/Proposal: The applicant requests that tax parcel RPL15350010010, generally located north of the Old Spiral Highway, south of the city limits line, immediately west of 1520 Vastview Drive and containing approximately 17.6 acres of vacant land, be rezoned from Agricultural Transitional, F2, Zone to Light Industrial, M1, Zone.

Subject Property and Surrounding Land Uses:

The subject property is currently vacant land, some of which is utilized for cattle grazing. Adjacent property to the east is one single family dwelling. Adjacent property to the west is farm ground. Property on the south side of Old Spiral Highway is vacant ground. Property on the east side of Old Spiral Highway is

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Light Industrial, M1, Zone and contains Kenworth Sales, Spiral Highway Storage (mini storage), and Sutton Salvage.

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

DIVISION 1. - AGRICULTURAL TRANSITIONAL ZONE F-2

- **Sec. 37-11. - F-2 agricultural transitional zone.**

Purpose. To provide a transition zone from agricultural land uses to residential land use within the city limits where centralized water and sewer are not available.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 2, 10-25-99)

- **Sec. 37-12. - Uses permitted outright.**

In an F-2 zone, the following uses and their accessory uses are permitted outright subject to the provisions of article IV:

(1) Class A manufactured home;

(2) General farming, except feedlots;

(3) Single-family dwelling;

(4) Bed and breakfast facilities, subject to special conditions of [section 37-13.1](#)(1) of this Code;

(5) Family day care, subject to special conditions of [section 37-13.1](#)(2) of this Code.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 3, 10-25-99; Ord. No. 4322, § 4, 12-9-02; Ord. No. 4742, § 2B, 8-19-19)

- **Sec. 37-13. - Conditional uses permitted.**

In an F-2 zone, the following uses are permitted when authorized in accordance with the standards and requirements in article IX:

(1) Class B manufactured home;

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- (2) Commercial kennels;
 - (3) Public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;
 - (4) Quarrying when the outer boundary is not located within one thousand (1,000) feet of a dwelling unit other than that of the operator;
 - (5) Recreational vehicle park, subject to the provisions of [chapter 23](#), article II of this Code;
 - (6) Semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency;
 - (7) Group day care, subject to special conditions of [section 37-13.1](#)(3) of this Code.
- (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 4, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4698, § 15, 10-30-17; Ord. No. 4742, § 2C, 8-19-19; Ord. No. 4799, § 1, 3-8-21)

• **Sec. 37-13.1. - Special conditions.**

(1) *Bed and breakfast facilities.*

(a) The use shall not change the residential character of the dwelling, shall be conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term, shall be conducted so that the average neighbor under normal circumstances would not be aware of its existence, and shall not infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes.

(b) No more than one (1) person, other than members of the family residing on the premises, shall be engaged in the occupation.

(c) Only resident guests of bed and breakfast facilities shall be served meals.

(d) Bed and breakfast facilities shall be limited to five (5) or fewer guestrooms.

(e) One (1) off-street parking space is required for each guestroom of a bed and breakfast facility.

(f) A bed and breakfast facility shall be allowed one (1) sign, no more than four (4) square feet and non-illuminated.

(g) The size of the site is shown to be reasonable for the intended use.

(h) Access to the site meets all applicable ordinances.

(i) The surrounding properties will not otherwise be adversely affected.

(2) *Family day care, one (1) to six (6) children.*

(a) A business license is required in accordance with [chapter 21](#) of this Code.

(b) The size of the site is shown to be reasonable for the intended use.

(c) Access to the site meets all applicable ordinances.

(d) The surrounding properties will not otherwise be adversely affected.

(3) *Group day care, seven (7) to twelve (12) children.*

(a) A business license is required in accordance with [chapter 21](#) of this Code.

(b) The size of the site is shown to be reasonable for the intended use.

(c) Access to the site meets all applicable ordinances.

(d) The surrounding property will not otherwise be adversely affected.

(Ord. No. 4249, § 5, 10-25-99; Ord. No. 4322, § 2, 12-9-02; Ord. No. 4351, § 2, 3-15-04;
Ord. No. 4742, § 2D, 8-19-19; Ord. No. 4753, § 2, 12-14-19)

- **Sec. 37-14. - Lot size.**

The lot size shall be as follows:

(1) For a single-family dwelling, the minimum lot area shall be five (5) acres;

(2) Minimum lot width shall be two hundred (200) feet.

(Ord. No. 4108, § 2, 8-15-94)

- **Sec. 37-15. - Yards.**

Except as provided in article VIII, yards shall be as follows:

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(1) A front yard shall be a minimum of twenty (20) feet;

(2) A side yard shall be a minimum of ten (10) feet, except that on a corner lot, the side yard shall be a minimum of fifteen (15) feet from the property line or thirty (30) feet from the centerline of the street, whichever is greater;

(3) A rear yard shall be a minimum of twenty (20) feet.

(Ord. No. 4108, § 2, 8-15-94)

- **Sec. 37-16. - Height of buildings.**

Buildings shall not exceed a height of thirty-five (35) feet.

(Ord. No. 4108, § 2, 8-15-94)

- **Sec. 37-17. - Lot coverage.**

Buildings shall not cover more than forty (40) percent of the lot.

(Ord. No. 4108, § 2, 8-15-94)

DIVISION 18. - LIGHT INDUSTRIAL ZONE M-1

- **Sec. 37-84. - Light industrial zone M-1.**

Purpose: To provide for light manufacturing, processing, storage, warehousing, distribution and commercial uses subject to stated standards. To provide for necessary community uses that are not appropriate in residential districts. Regulations are intended to prevent friction between uses in the zone and also to protect nearby residential districts.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 43, 10-25-99; Ord. No. 4689, § 6, 4-24-17)

- **Sec. 37-85. - Uses permitted outright.**

In an M-1 zone, the following uses and their accessory uses are permitted outright subject to the provisions of article IV:

(1) Auto, manufactured home, recreational vehicle, heavy equipment sales and service;

(2) Boat sales and marina;

(3) Commercial entertainment facility - indoor;

(4) Commercial or industrial laundry;

(5) Eating or drinking establishment;

(6) General contracting and storage yard;

ZNC24-1

- (7) Greenhouses and nurseries;
 - (8) Manufacturing, fabricating, processing, repairing, packing or storage, except a use specifically listed as a use permitted outright or as a conditional use in an M-2 zone;
 - (9) Mini-storage;
 - (10) Port facility;
 - (11) Public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;
 - (13) Retail sales and service;
 - (14) Semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency;
 - (15) Service station;
 - (16) Tire recapping;
 - (17) Truck terminal;
 - (18) Veterinary clinic or kennel;
 - (19) Wholesale distribution.
- (Ord. No. 4108, § 2, 8-15-94; Ord. No. § 44, 10-25-99; Ord. No. 4322, § 4, 12-9-02; Ord. No. 4346, § 2, 11-17-03; Ord. No. 4387, § 1, 2-14-05; Ord. No. 4742, § 2S, 8-19-19; Ord. No. 4753, § 11, 12-14-19; Ord. No. 4799, § 17, 3-8-21)

- **Sec. 37-86. - Conditional uses permitted.**

In an M-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of articles IV and IX:

- (1) Bulk petroleum storage and distribution facilities;
- (2) Commercial entertainment facility - outdoor;
- (3) Grain storage;
- (4) Homeless shelter, subject to the standards of [section 37-125](#) of this Code;
- (5) Other light manufacturing uses which are not permitted outright but which are consistent with the purpose of the M-1 zone and are not detrimental to any of the outright permitted uses or other existing conditional uses or to nearby residential uses;

(6) Other public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;

(7) Other semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency;

(8) Quarrying;

(9) Bridge housing shelter, subject to the standards of [section 37-125](#) of this Code;

(10) Transitional housing village, subject to the provisions of [chapter 42](#) of this Code.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 45, 10-25-99; Ord. No. 4346, § 2, 11-17-03; Ord. No. 4387, § 2, 2-14-05; Ord. No. 4689, § 7, 4-24-17; Ord. No. 4753, § 12, 12-14-19; Ord. No. 4799, § 18, 3-8-21; Ord. No. 4838, § 4, 12-13-2; [Ord. No. 4841](#), § 15, 11-14-22)

- **Sec. 37-87. - Limitations on use.**

In an M-1 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 shall be 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, approved landscaping material or a combination thereof.

(4) Access from a public street to properties in an M-1 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 ensure compliance with state and federal water pollution control standards and city ordinances.

(Ord. No. 4108, § 2, 8-15-94)

- **Sec. 37-88. - Yards.**

In an M-1 zone a side yard or rear yard abutting a residential zone shall be a minimum of twenty-five (25) feet. Said required yard shall be screened by means of a sight obscuring

fence, approved landscaping materials or a combination thereof. Such required screening shall be installed prior to the issuance of an occupancy permit.

(Ord. No. 4108, § 2, 8-15-94)

ARTICLE XII. AMENDMENTS

Sec. 37-178. Authorization to initiate amendments.

An amendment to the text of this chapter or to the official zoning map may be initiated by the council, by the commission, or by the property owner. A property owner may initiate a request for an amendment by filing an application with the community development department using forms prescribed in Article XIII. The application shall be submitted at least twenty (20) working days prior to the meeting of the planning and zoning commission at which it will be considered. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-179. Public hearing and records of amendments.

The commission shall hold a public hearing on every requested change in zoning district boundaries in accordance with section [37-184](#) of this chapter. Its recommendations on each request zone change shall be transmitted to the city council. No zone change shall be accomplished other than by ordinance duly passed by the city council. The city clerk shall maintain records of amendments to this chapter in a form convenient for use by the public. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-180. Accordance with adopted comprehensive plan.

The commission shall evaluate a requested amendment to a zoning district to determine the nature and extent of the requested change. If it is in accord with the adopted comprehensive plan, the commission may recommend and the council may adopt or reject the requested change. The commission may request documentation of land use impacts, both existing and proposed, through studies, presentations, or other documents, and may require said documentation to be stamped and signed by professionals deemed qualified by the commission.

If the commission determines the requested change is not in accord with the adopted comprehensive plan, the commission may either deny the request or recommend to the council an appropriate amendment to the plan. The council may adopt or reject the amendment under the procedures provided in Idaho Code, Section [67-6509](#). After the plan is amended, the zoning map may be amended in conformity therewith. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4344, § 4, 11-17-03)

Comprehensive Plan:

The subject property is located in Neighborhood 1, North Lewiston and has a Comprehensive Plan future land use designation of Industrial. Relevant statements from the Comprehensive Plan include the following:

CHAPTER 6. LAND USE

GOAL (LU-1.0): To promote orderly development and arrangement of land uses throughout the community; provide ample space for future growth, ensure the compatibility of adjacent land uses and follow sound environmental planning principals.

GOAL (LU-2.0): Assure that there is sufficient commercially zoned land available in the City.

OBJECTIVES: LU-2.1: Review and revise the Comprehensive Land Use Plan Map as necessary to assure that sufficient land is available in each commercial zone, particularly those accommodating local commercial services and those serving the travelling public. Such review should occur every three years, or more frequently, if necessary. Resulting expansions to commercial zones should be in conformance with the other goals and objectives of this plan.

LU-2.2: Review the zoning ordinance to assure that commercial zoning designations accommodate varied commercial activities sufficiently, while protecting adjacent land uses. Assure that commercial zoning designations have distinct and meaningful differences that fulfill a planning purpose. Revise the zoning ordinance as necessary.

GOAL (LU-10.0): To the extent that the demand for commercial land can be accommodated, encourage the concentration of new and existing commercial uses in existing commercial areas.

GOAL (LU-20.0): Encourage and promote the growth and development of the industrial sector of the Lewiston economy.

GOAL (LU-21.0): Provide adequate land for new and expanding industrial uses

OBJECTIVES: LU-21.1: Assure that the uses permitted in various zones will attract and accommodate growing industrial sectors, particularly high tech industry and incubator businesses. Review and revise the zoning ordinance, as appropriate. LU-21.2: Assure that adequate land is available for new and expanding industrial uses, including wholesale commercial, warehousing, manufacturing, processing, and wrecking. In conjunction with the review of vacancy data, review and revise the Comprehensive Plan map as appropriate.

LU-21.6: Assure that industrial areas are served by adequate infrastructure, including rail, highways, streets, sidewalk, drainage, water and sewer. LU-21.7: Assure that lands designated for industrial use have other characteristics necessary for development, including the existence of large parcels of flat land, and the space for open storage and loading.

GOAL (LU-22.0): Minimize the conflicts associated with the proximity of industrial uses to other uses and properties. OBJECTIVES: LU-22.1: Assure that industrial areas are protected from potential intrusion by non-industrial uses. Review and

revise the zoning ordinance as appropriate.

Neighborhood Number One – North Lewiston

c. Industrial Land Use

The Port of Lewiston is the largest owner of land used for industrial purposes in North Lewiston, being located west of US 12 with property both on the waterfront

as well as on the lower bench of Lewiston Hill (the "Wall Property"). Their tenants include a mix of timber related firms, grain storage and shipping, trucking and other distribution. The Port leases property to tenants and does not sell. Public infrastructure is in place for the property on the "flats" and is being installed to serve the Wall property. Also in this area are located short term asphalt batch plants and rock crushers being used for site development.

US Highway 12 and 95 and State Highway 128 are classified as Principal Arterials. 3rd Avenue North, 6th Avenue North, 28th Street North and 18th Street North are classified as collectors; all other streets are classified as local streets. US Highway 12 and 95 and State Highway 128 are through and local truck routes, 3rd Avenue North, 6th Avenue North and 18th Street North are local truck routes.

Chapter 10, Transportation.

Old Spiral Highway is a Collector road. The subject property is not on a City of Lewiston bus route.

Input From Other Departments/Agencies:

The Fire Department provided no comments.

The Engineering Division of the Public Works Department provided no comments.

Analysis:

The subject property is approximately 17.6 acres of vacant land, a portion of which is used for cattle grazing. The applicant also owns the 18.04 acre property adjacent to the north and the 84.31 acre property adjacent to the northwest.

There is one property adjacent to the east that contains a single family dwelling. Other surrounding properties are vacant land or, farther to the east, industrial uses such as Kenworth Truck repair, Sutton Salvage and various storage units. The subject property has varying topography, with Old Spiral Highway sitting at 970 feet and the flat "farm field" portions of the lot sitting at 1030 feet.

The applicant is requesting a rezone from the current Agricultural Transitional, F2, Zone to the Light Industrial, M1, Zone. This request is in conformance with the Comprehensive Plan which calls for this area of North Lewiston to have a future land use designation of Industrial.

The city has a relatively small amount of land zoned M1 and available for light industrial uses. There are pockets of Light Industrial, M1, Zone lands in North Lewiston, along the levy on the south side of the Clearwater River, portions along the river in East Lewiston, along Snake River Avenue and southeast of the airport along Airpointe Place. As stated in the Comprehensive Plan, North Lewiston is a preferred location for industrial zoned lands and the subject property's close proximity to Port owned and zoned property (one of the largest land owners of Industrial Zoned lands within the city) lends itself to creating a compact industrial area with easy access to Down River Road and State Highway 128. Down River Road and State Highway 128 are truck routes and classified as Principal Arterial streets.

Relevant Criteria and Standards:

See attached worksheet.

Prepared By:

Katie Hollingshead

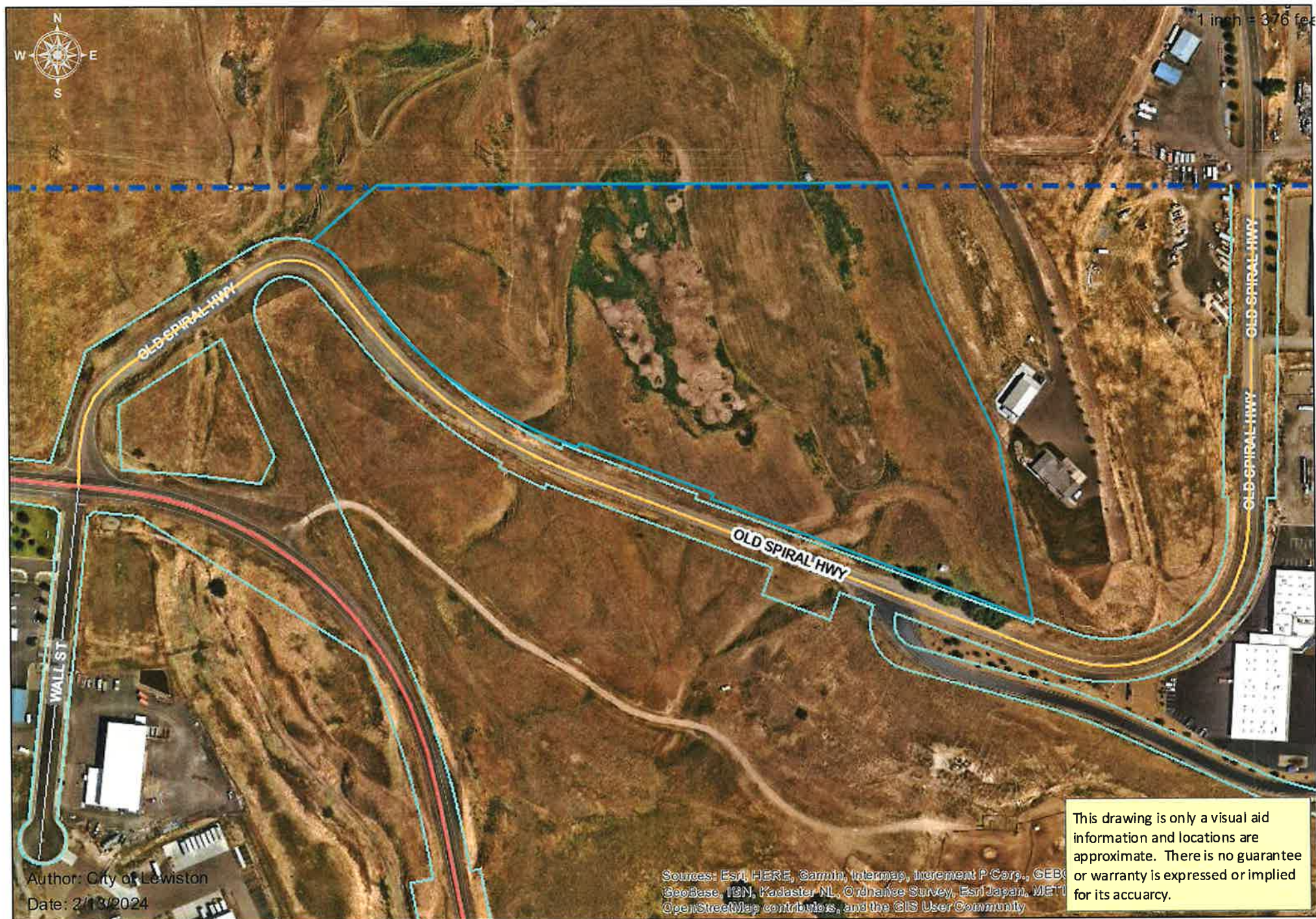
(208) 746-1318, ext. 7261

khollingshead@cityoflewiston.org

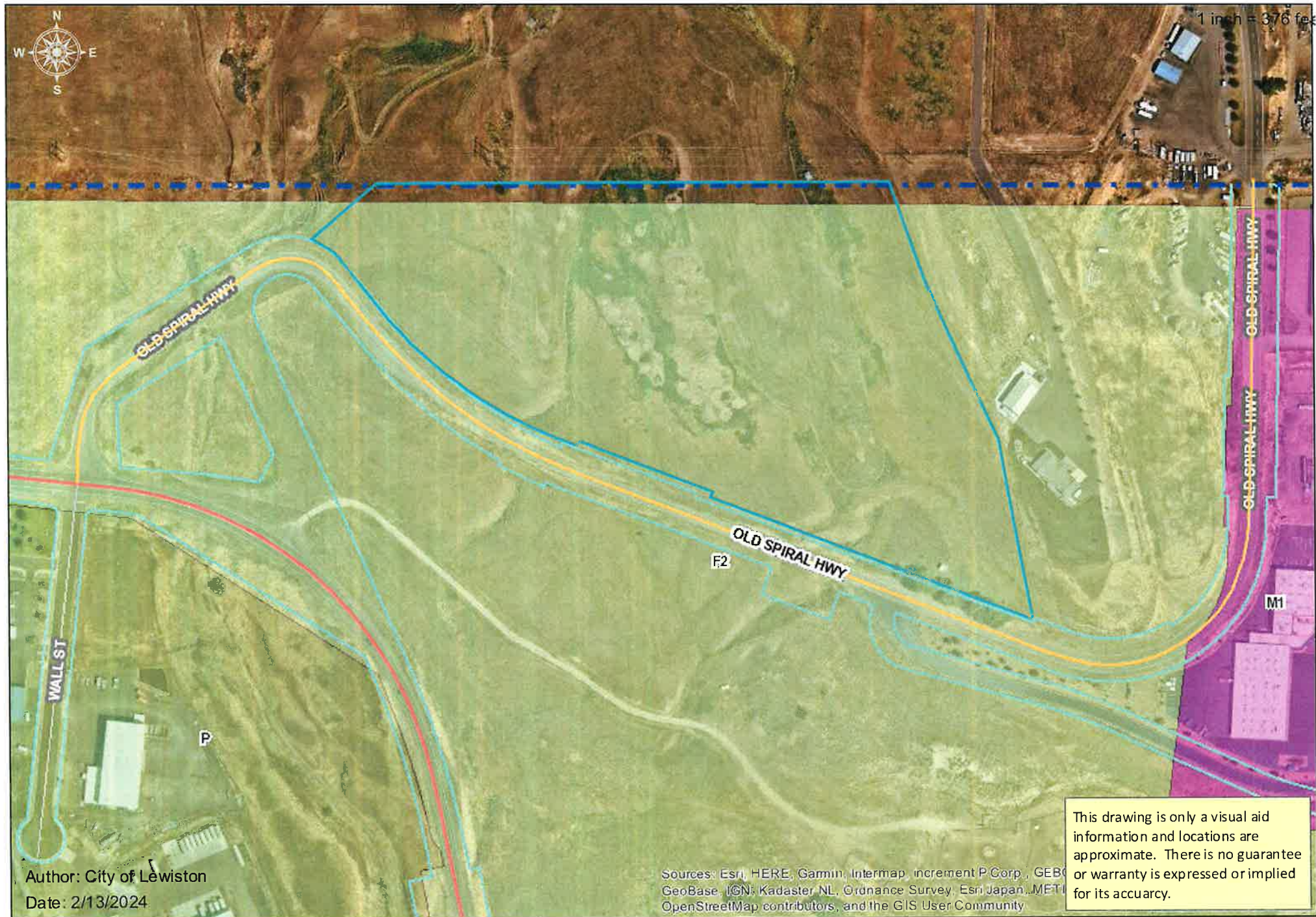
P.O.Box 617

Lewiston, ID 83501

City of Lewiston



City of Lewiston





STAFF USE ONLY

Case Number: **ANX24-1**Hearing Date: **3.13.24**

APPLICATION FOR VOLUNTARY ANNEXATION

By submitting this application to the City of Lewiston, you are entering a quasi-judicial process. As such, you must not discuss the application with any member of the Lewiston Planning and Zoning Commission, or the Lewiston City Council, before or outside of the public hearing at which this matter will be heard.

PROPERTY OWNER/APPLICANT INFORMATION

Property

Owner

Name:

Greco

Joe

Last

First

M.I.

Address:

2206 Hemlock Ave

Street Address

Lewiston, Idaho 83501

City

State

ZIP Code

Phone:

(208) 790-1056

Email: joe@greco-construction.com

*****IF ADDITIONAL PROPERTY OWNERS, THEN PROVIDE THEIR INFORMATION ON THE
ADDITIONAL PROPERTY OWNER INFORMATION PAGE (PAGE 3)*****

PROPERTY INFORMATION

Tax Parcel

Number(s):

RP35N05W242404

Subdivision Name:

(if applicable)

Block:

Lot:

OR attach a metes and bounds description if the subject property cannot be completely described by Lot and Block of a subdivision.

Property Acreage: 22.11 acres (see enclosed)

NATURE OF YOUR REQUEST

The current Comprehensive Plan Designation of this property is: Residential

The **proposed** Comprehensive Plan Designation of this property is: Residential

The current zoning of this property is: R1A-SUBURBAN

The **proposed** zoning of this property is: R2

Annexation is requested in order to/because (describe the reason/purpose):

We're requesting annexation for continuation of orderly residential development along Powers Ave East

PROPERTY OWNER CERTIFICATION AND CONSENT TO VOLUNTARY ANNEXATION

The property owner(s) hereby certifies that the information contained in this application is true and correct to the best of my/our knowledge and agrees to enter into an "Irrevocable Consent to Annexation Agreement" (separate document to be produced by the City for the applicant to sign) for the annexation of the subject property to the City of Lewiston, whereby such annexation shall be binding upon subsequent purchasers, heirs, or assigns of lands addressed in this consent, to wit:

Property owner(s): 1) JOE GRECO [Signature] 2-13-24
Printed Name Signature Date

2) Traci L. Greco [Signature] 2/13/24
Printed Name Signature Date

3) _____
Printed Name Signature Date

4) _____
Printed Name Signature Date

ADDITIONAL PROPERTY OWNER INFORMATION

Provide Information of Any Owner of the Subject Property to be Annexed Not Already Listed on Page 1.

Property
Owner
Name:

Last First M.I.

Address:

Street Address

City

State

ZIP Code

Phone:

Email: _____

Property
Owner
Name:

Last First M.I.

Address:

Street Address

City

State

ZIP Code

Phone:

Email: _____

Property
Owner
Name:

Last First M.I.

Address:

Street Address

City

State

ZIP Code

Phone:

Email: _____

APPLICATION SUBMITTAL CHECKLIST

YES ☐ NO ☐

YES ☐ NO ☐

YES ☐ NO ☐

YES ☐ NO ☐

YES ☐ NO ☐

YES ☐ NO ☐

1) Two copies of the completed, signed paper application form each with the following attachments:

A) A correct legal description of the property to be annexed, including its acreage;

B) A vicinity map identifying the subject property in relation to the existing city limit line and streets within one quarter mile (1,320 feet) of the subject property;

C) A detailed map identifying the subject parcel(s) requested for annexation, including property line dimensions, adjoining streets and the existing city limit line;

D) Supplemental property owner information sheet, if applicable

2) Filing Fee payable to CITY OF LEWISTON. This fee will also pay for comprehensive plan land use designation and zoning associated with and necessary for annexation.

ANNEXATION AUTHORITY:
STATE OF IDAHO CODE AND LEWISTON ANNEXATION POLICY

Idaho Code Section 50-222 et seq. gives cities the authority to “annex lands which are reasonably necessary to assure the orderly development of Idaho’s cities.” It also states “annexation of lands into a city shall follow the procedures applicable to the category of lands as established by this section.”

A private landowner may petition for annexation under Idaho Code Section 50-222(3)(a) entitled “Category A: Annexations wherein:

- (i) All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation;
- (ii) Any residential enclaved lands of less than one hundred (100) privately-owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by the boundary of the city’s area of impact; or
- (iii) The lands are those for which owner approval must be given pursuant to subsection (5)(b)(v) of this section.”

Idaho Code Section 50-222(5)(a): “Procedures for Category A Annexations: Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in Chapter 65, Title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.”

ANNEXATION APPLICATION PROCESS

1. Pre-application meeting to determine feasibility and desirability of annexation, as well as related comprehensive plan, zoning, public infrastructure, emergency service, and property development issues.
2. The applicant submits a completed application on the form provided to the Community Development Department requesting the annexation to the City of Lewiston. **All material included in the application must be provided at this time.** The representative of the Department reviews the application for completeness prior to further processing.
3. The Community Development Department sets the public hearing date for the application according to the public hearing schedule. The Planning and Zoning Commission holds public hearings on the second and fourth Wednesdays of each month. Completed applications must be submitted at least twenty (20) working days prior to the public hearing date. You will be notified of the hearing date when you submit your application.
4. The Community Development Department notifies by mail all residents within 300 feet of the property for which you are requesting annexation. This notifies them of the nature of your application, the date of the public hearing, and solicits comments from them.
5. The Community Development Department solicits comments from public agencies and City Departments so a recommendation can be made.
6. The Community Development Department reviews the request for compliance with Idaho Code and prepares a recommendation for the Planning and Zoning Commission. The applicant will receive a copy of this report and recommendation in advance of the meeting.
7. A public hearing date is set before the Planning and Zoning Commission and a public hearing notice is published in the newspaper. Neighboring property owners are sent notice of the public hearing and the property is posted with a public hearing notice.

8. The Planning and Zoning Commission holds a public hearing on the request. The applicant is invited to speak as well as others who wish to provide testimony whether in support or opposition to the request. **It is strongly recommended that the applicant be in attendance at this meeting.**
9. The Planning and Zoning Commission will make a recommendation to the City Council.
10. The City Council holds a public hearing on the request subject to the same notice requirements as done at the Planning and Zoning Commission level. **It is strongly recommended that the applicant be in attendance at this meeting.**
11. If the City Council approves the annexation request, the City Attorney prepares an ordinance for annexation, a resolution for comprehensive plan land use designation, and an ordinance for zoning for the Council.
12. At subsequent public meetings, the City Council holds the first, second, and third readings of the ordinances and approves the resolution. Following the third reading and adoption of the ordinances, the ordinances are published in the newspaper after which the decisions become final.



STAFF USE ONLY	
Case Number:	CPA24-1
Hearing Date:	3.13.24

APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

BY SUBMITTING THIS APPLICATION TO THE CITY OF LEWISTON, YOU ARE ENTERING A QUASI-JUDICIAL PROCESS. AS SUCH, YOU MUST NOT DISCUSS THE APPLICATION WITH ANY MEMBER OF THE LEWISTON PLANNING AND ZONING COMMISSION, OR THE LEWISTON CITY COUNCIL, OUTSIDE OF THE PUBLIC HEARING AT WHICH THIS MATTER WILL BE HEARD.
****NOTE: INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED****

APPLICANT INFORMATION

Full Name: Greco Joe Date: _____
Last First M.I.

Address: 2206 Hemlock Ave. _____
Street Address Apartment/Unit #

Lewiston, Idaho 83501 _____
City State ZIP Code

Phone: (208) 790-1056 Email: joe@greco-construction.com _____

Property Owner Name: Same Phone: _____

Mailing Address: _____

PROPERTY INFORMATION

Street Address of Subject Property: See Enclosed Legal Description _____

Subdivision Name: _____ Block: _____ Lot: _____

OR attach a metes and bounds description if not part of a subdivision.

NATURE OF YOUR REQUEST

The current Comprehensive Plan Designation of this property is: Low Density Residential _____

The **proposed** Comprehensive Plan Designation of this property is: Low Density Residential _____

Please provide a statement fully describing your request for a Comprehensive Plan Amendment. What conditions have changed in the area to cause the need to amend the Comprehensive Plan? How will the requested amendment address those changes?

We would like to annex and rezone a parcel of land in the 23 block of Powers Ave.

The annexation and rezone will require a comprehensive plan amendment if the annexation and rezone are approved.

APPLICANT'S CHECKLIST

In order to properly process your request for a Comprehensive Plan Amendment, please be sure to include the following material with your completed application:

- ☐ Completed and signed application, including supporting documents;
- ☐ Site Plan (11 x 17) or 8 ½ x 11) to scale;
- ☐ A correct legal description of the property;
- ☐ Filing fee payable to the City of Lewiston

APPLICANT'S CERTIFICATION

The applicant(s) hereby certifies that the information contained in this application is true and correct to the best of my/our knowledge.

Signature of Applicant: Traci O. Grew

Date: 2-13-24

The Property Owner hereby authorizes this application:

Signature of Owner: Traci O. Grew

Date: 2/13/24

COMPREHENSIVE PLAN AMENDMENT APPLICATION PROCESS

1. The applicant submits the completed application form to the Community Development Department requesting the amendment to the Comprehensive Plan. **All materials included in the application must be provided at this time.** The representative of the Department reviews the application for completeness prior to further processing.
BY SUBMITTING THIS APPLICATION TO THE CITY OF LEWISTON, YOU ARE ENTERING A QUASI-JUDICIAL PROCESS. AS SUCH, YOU MUST NOT DISCUSS THE APPLICATION WITH ANY MEMBER OF THE LEWISTON PLANNING AND ZONING COMMISSION, OR THE LEWISTON CITY COUNCIL, OUTSIDE OF THE PUBLIC HEARING AT WHICH THIS MATTER WILL BE HEARD.
2. The Community Development Department sets the public hearing date for the application according to the public hearing schedule. The Planning and Zoning Commission holds public hearings on the second and fourth Wednesdays of each month. Completed applications must be submitted approximately four (4) weeks prior to the public hearing date. You will be notified of the hearing date when you submit your application. Because the State of Idaho limits the number of times each year a municipality may amend the comprehensive plan, your hearing dates may be delayed.
3. The Community Development Department notifies all residents, by mail, within 300 feet of the property for which you are requesting the Comprehensive Plan Amendment. This notifies them of the nature of your application, the date of the public hearing, and solicits comments from them.
4. The Community Development Department solicits comments from public agencies and City Departments so a recommendation can be made.
5. After comments have been received, the Community Development Department prepares a staff report and recommendation for the Planning and Zoning Commission. You will receive a copy of this report and recommendation in advance of the meeting.
6. The Planning and Zoning Commission holds a public hearing on the request. You are invited to speak as well as others who wish to provide testimony whether in support or opposition of the request. **It is strongly recommended that you be in attendance at this meeting.**
7. The Planning and Zoning Commission will make a recommendation to the City Council. This recommendation is forwarded to the City Mayor for submittal to the City Council.
8. The City Council sets a public hearing date, generally several weeks away to allow sufficient time for legal notice. The property owners who received notice for the Planning and Zoning public hearing will again receive notice of the City Council public hearing.
9. The City Council holds a public hearing on the request.
10. If the City Council approves the Comprehensive Plan Amendment request, the City Attorney prepares an Ordinance for the Council.

11. At subsequent public meetings, the City Council holds the first, second, and third readings of the Ordinance. Following the third reading and adoption of the ordinance, the ordinance is published in the newspaper, after which the Comprehensive Plan Amendment becomes final.



STAFF USE ONLY	
Case Number:	ZNC24-2
Hearing Date:	3-19-24

APPLICATION FOR ZONE CHANGE

By submitting this application to the City of Lewiston you are entering a quasi-judicial process. As such, you must not discuss the application with any member of the Lewiston Planning and Zoning Commission, or the Lewiston City Council, outside of the public hearing at which this matter will be heard.

APPLICANT INFORMATION

Full Name: Greco Joe Date: _____
Last First M.I.

Address: 2206 Hemlock Ave. _____
Street Address Apartment/Unit #

Lewiston, Idaho 83501 _____
City State ZIP Code

Phone: (208) 790-1056 Email: joe@greco-construction.com

Property Owner: _____ Phone: _____

Property Owner Mailing Address: _____

DESCRIPTION OF PROPERTY

Street Address of Subject Property: See enclosed description

Subdivision Name: _____

Block: _____ Lot: _____

OR, if not part of a subdivision, attach a metes and bounds description

NATURE OF REQUEST

Change **FROM** Zone District: R1A-SUBURBAN **TO** Zone District: R2

The Planning and Zoning Commission shall evaluate a requested amendment to a zoning district to determine the nature and extent of the requested change. If it is an accord with the adopted comprehensive plan, the commission may recommend and the council may adopt or reject the requested change. The commission may request documentation of land use impacts, both existing and proposed, through studies, presentations, or other documents, and may require said documentation to be stamped and signed by professionals deemed qualified by the commission.

Please provide **WRITTEN** responses to the following questions:

- 1. What is the Comprehensive Plan Designation of the property and of the adjoining properties? Describe how the requested zoning classification conforms to the adopted Comprehensive Plan map and text.

The comprehensive plan designation for the property is residential.

The property to the west, north and south are also residential with property to the east being an agriculture designation.

- 2. Describe how the subject land is at least as well suited or is better suited for the proposed zoning district than the existing zoning district.

The proposed R2 is low density single family residential zoning. The proposed zone is a natural transition for a County zone of suburban residential to City residential.

- 3. Describe how the proposed rezone does not present foreseen, immitigable impacts of incompatible uses or development being located in the same vicinity.

To reiterate previous points, the proposed R2 zone is a orderly transition from rural residential to urban residential. The area impacts are anticipated to be minimal with no incompatible Uses with the surrounding area.

4. Describe how the effects of the proposed rezone are not anticipated to place undue burden upon delivery of services provided by any political subdivision (i.e. taxing entity) within the planning jurisdiction, including school districts.

The proposed zone will create additional tax revenue with negligible impacts to existing services or schools. Orderly development in this area can easily be supported by existing services.

5. Describe how the size, type, intensity and density of development expected to occur on the subject property as a result of this rezoning is suitable for the area and will not unduly burden the neighborhood, public infrastructure or environmental resources.

The proposed development is a 22.11 subdivision with 47 lots. The average lot size would be 17,500 square feet. The minimum lot size for single family residential is 7,500 square feet. The low density proposed will reduce the burden on the surrounding neighborhood compared to higher density development.

6. If the subject property is located within a designated historic district, describe how the requested zone change will not be in conflict with the intents and purposes of Lewiston City Code Chapter 19.5, Historic Districts (A Certificate of Appropriateness from the Lewiston HPC is required).

Not applicable

APPLICANT'S CERTIFICATION

The applicant(s) hereby certifies that the information contained in this application is true and correct to the best of my/our knowledge.

Signature: [Signature] Date: 2-13-24

The Property Owner hereby authorizes this application:

Signature: [Signature] Date: 2/13/24

**** INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED****

QUESTIONS? Contact City Planner Joel Plaskon at 208-746-1318 x 7202

APPLICATION PROCESS

1. The applicant submits the completed application to the Community Development Department requesting the Zone change. The representative of the Department reviews the application for completeness prior to further processing.

ALL MATERIALS INCLUDED IN THE APPLICATION MUST BE PROVIDED AT THIS TIME. INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED.

PLEASE NOTE: By submitting this application to the City of Lewiston, you are entering a quasi-judicial process. As such, you must not discuss the application with any member of the Lewiston Planning and Zoning Commission and/or the Lewiston City Council outside of the public hearing at which this matter will be heard.

2. The Community Development Department sets the public hearing date for the application according to the public hearing schedule. The Planning and Zoning Commission holds public hearings on the second and fourth Wednesday of each month. The Commission will make a recommendation on a zone change application to the City Council, who will also conduct a public hearing on the matter and render the decision. The City Council holds public hearings on the second and fourth Monday of each month. **Completed applications must be submitted at least four weeks prior to the public hearing date.** You will be notified of the hearing date when you submit your application.
3. The Community Development Department notifies all residents within 300 feet of the property for which you are requesting the Zone Change. This notifies them of the nature of your application, the date of the public hearing, and solicits comments from them.
4. The Community Development Department solicits comments from public agencies and City Departments so a recommendation can be made.
5. After all comments have been received, the Community Development Department prepares a staff report and recommendation for the Planning and Zoning Commission. You will receive a copy of this report and recommendation in advance of the meeting.
6. The Planning and Zoning Commission holds a public hearing on the request. The applicant is invited to speak as well as others who wish to provide testimony, whether in support or in opposition, to the request. **IT IS STRONGLY RECOMMENDED THAT YOU BE IN ATTENDANCE AT THIS MEETING.**
7. The Planning and Zoning Commission will make a recommendation to the City Council. This recommendation is forwarded to the City Mayor for submittal to the City Council.
8. The City Council sets a public hearing date, generally several weeks away to allow sufficient time for legal notice. The property owners who received notice for the Planning and Zoning public hearing will again receive notice of the City Council public hearing.
9. The City Council holds a public hearing on the request. If the City Council approves the PUD Amendment request. The City Attorney prepares an ordinance for the Council.
10. At subsequent public meetings, the City Council holds the first, second, and third readings of the Ordinance. Following the third reading and adoption of the Ordinance, the Ordinance is published in the newspaper, after which the PUD Amendment becomes final.

APPLICANT'S CHECKLIST

- ☐ Completed and signed application with supporting documents;
- ☐ Filing fee payable to the City of Lewiston;
- ☐ A correct legal description of the property;
- ☐ A site plan (11" x 17" or 8 ½" x 11") to scale

2-8-2024

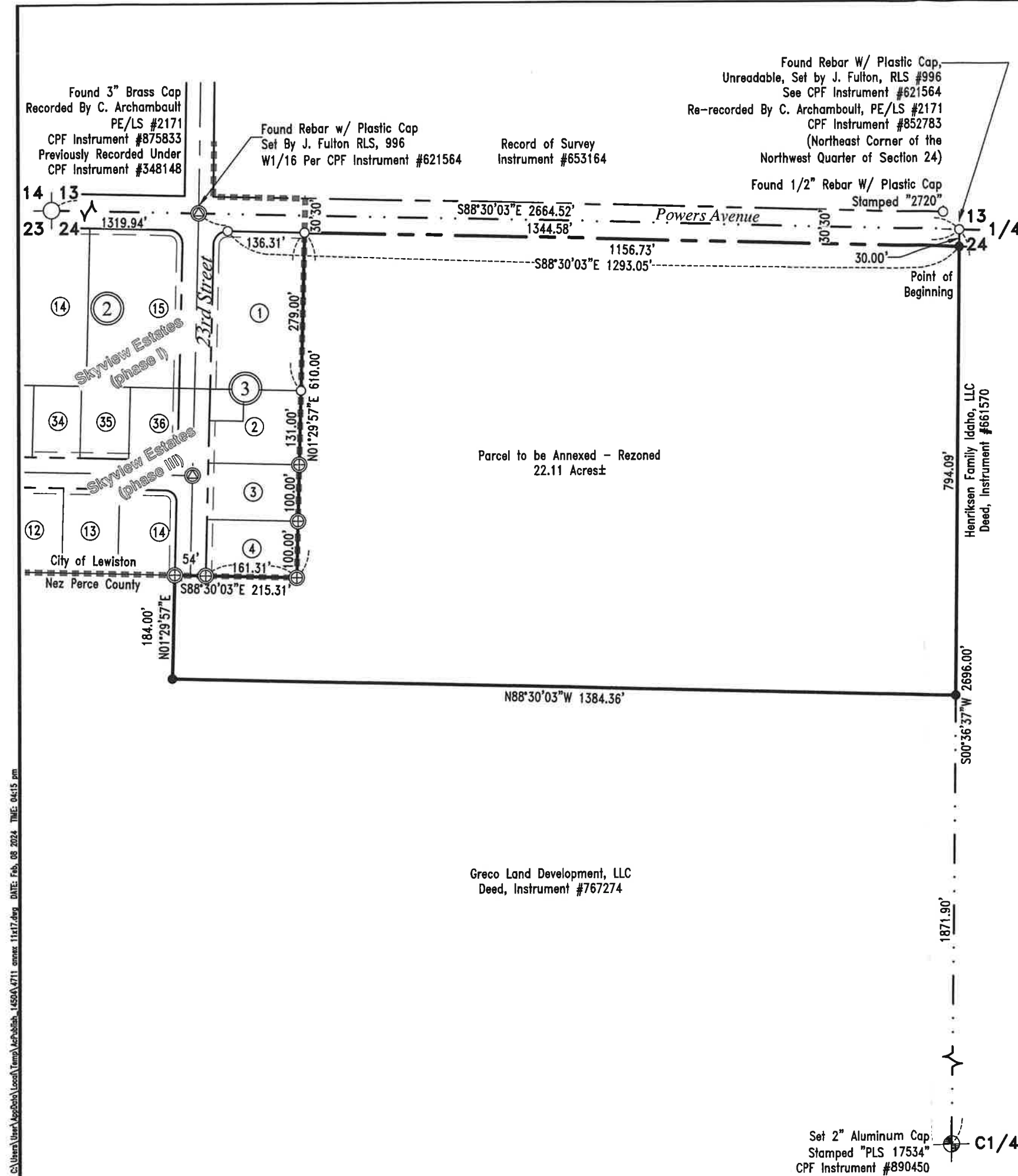
Legal Description by Hodge & Associates
For Joe Grecco
Parcel to be Annexed - Rezoned

A legal description for a parcel of land located in the NW1/4 of Section 24, T35N, R5W, BM., Latah County, Idaho and being more particularly described as follows:

Commencing at northwest corner of the Northwest Quarter of Section 24 and the centerline intersection of 22nd Avenue and Powers Avenue, Thence along the north line of the Northwest Quarter of Section 24 and the centerline of Powers Avenue, S88°30'03"E, 2664.52 feet to the northeast corner of said Northwest Quarter, Thence leaving said north line, along the east line of said Northwest Quarter S00°36'37"W, 30.00 feet to a point on the south right-of-way line of Powers Addition and the **Point of Beginning**.

Thence continuing along said east line, S00°36'37"W, 794.09 feet;
Thence leaving said east line N88°30'03"W, 1384.36 feet;
Thence N01°29'57"E, 184.00 feet to a point on the south line of Skyview Estates Phase III, Instrument #905487, Nez Perce County Records;
Thence along said south line, S88°30'03"E, 215.31 feet to the southeast corner of said Phase III,
Thence along the east line thereof and along the east line of Skyview Estates Phase I Instrument #839025, Nez Perce County Records, N01°29'57"E, 610.00 feet to the northeast corner thereof and a point on the south right-of-way line of Powers Avenue;
Thence along said south right-of-way line, S88°30'03"E, 1156.73 feet to the **Point of Beginning**.

Parcel contains 22.11 acres more or less.



College of Architecture, Inc.
Engineers • Planners • Landscape Architects

**PRELIMINARY
NOT FOR
CONSTRUCTION**

**Skyview Estates Phase IV
Annexation-Rezone Exhibit**
Greco Land Development, LLC
NW1/4 of Section 24, T35N, R5W, BM

Drafted By:
SW
File Name:
4711 annex 11x17.dwg
Checked By:
Revisions:
Project:
4711
Date: 2/8/2024

1

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will conduct a public hearing at which you may provide testimony on

Wednesday March 13, 2024 at 5:30 pm.

**COMMUNITY DEVELOPMENT DEPARTMENT BUILDING
2ND FLOOR MEETING ROOM,
215 D STREET LEWISTON, ID 83501**

Seating will be available on a first-come, first-served basis. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org.

Testimony for public hearings may be made: in-person at the meeting, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208) 798-2570 and leaving a message.

This public hearing will be to determine approval or denial of the following request:

APPLICATIONS ANX24-1, CPA24-1, ZNC24-2 BY JOE GRECO: The applicant requests that the undeveloped 22.11 acres located south of Powers Ave and east of 23rd Street, immediately adjacent to the existing Skyview Estates Phase 3 subdivision, as depicted on the attached map, be removed from the Lewiston Area of City Impact and annexed into Lewiston city limits and that it be assigned a Comprehensive Plan Land Use Designation of Low Density Residential and placed in the Low Density Residential, R2, Zoning District and amending the Lewiston Area of City Impact Map accordingly.

FOR FURTHER INFORMATION AND TO SUBMIT TESTIMONY, contact the Community Development Department at (208) 746-1318, ext. 7261.

Hearing notice publication date: February 25, 2024.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will conduct a public hearing at which you may provide testimony. This public hearing will be held at a meeting which may have additional public hearings on the agenda.

WEDNESDAY MARCH 13, 2024 at 5:30 P.M.
COMMUNITY DEVELOPMENT DEPARTMENT BUILDING
2ND FLOOR MEETING ROOM,
215 D STREET LEWISTON, ID 83501

Seating will be available on a first-come, first-served basis. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org.

Testimony for public hearings may be made: in-person at the meeting, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208) 798-2570 and leaving a message.

This public hearing will be to determine approval or denial of the following request:

APPLICATIONS ANX24-1, CPA24-1, ZNC24-2 BY JOE GRECO: The applicant requests that the undeveloped 22.11 acres located south of Powers Ave and east of 23rd Street, immediately adjacent to the existing Skyview Estates Phase 3 subdivision, as depicted on the attached map, be removed from the Lewiston Area of City Impact and annexed into Lewiston city limits and that it be assigned a Comprehensive Plan Land Use Designation of Low Density Residential and placed in the Low Density Residential, R2, Zoning District and amending the Lewiston Area of City Impact Map accordingly.

Any person (or persons) aggrieved, may support or oppose the Applicant's request. Persons receiving this notice are encouraged to provide testimony/comment.

For further information on the above zoning action, the public hearing process, or appeal process, please contact the Community Development Department at (208) 746-1318, ext. 7261 or khollingshead@cityoflewiston.org. Our offices are located at 215 'D' Street, Lewiston. Business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

Notice of this public hearing was mailed on February 20, 2024 and 24 persons were noticed.

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact the meeting coordinator at least forty-eight (48) hours in advance of the meeting at (208) 746-1318, ext. 7202.

City of Lewiston



OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
ARD DAVID R &	ARD CAROL S	3627 23RD ST	LEWISTON	ID	83501
WYATT WILLIAM BRUCE &	WYATT JANET A	2413 POWERS AVE	LEWISTON	ID	83501
BLEWETT BRETT ALAN &	BLEWETT ANGELA	3707 23RD ST	LEWISTON	ID	83501
ZMAK THEODORE D &	ZMAK LINDA Y	2319 POWERS AVE	LEWISTON	ID	83501
WYATT WILLIAM BRUCE &	WYATT JANET A	2413 POWERS AVE	LEWISTON	ID	83501
SCHMIDT JIM MICHAEL &	LITCHFIELD JAMIE JO	3706 23RD ST	LEWISTON	ID	83501
ZMAK THEODORE D &	ZMAK LINDA Y	2319 POWERS AVE	LEWISTON	ID	83501
ARD DAVID R &	ARD CAROL S	3627 23RD ST	LEWISTON	ID	83501
WEBER ROY L JR &	WEBER KATHERINE I	2327 POWERS AVE	LEWISTON	ID	83501
WEBER ROY L JR &	WEBER KATHERINE I	2327 POWERS AVE	LEWISTON	ID	83501
HENRIKSEN FAMILY IDAHO L L C		1521 29TH ST	LEWISTON	ID	83501
HUBBS BILL M &	HUBBS DEBBIE J	2333 POWERS AVE	LEWISTON	ID	83501
HUBBS BILL M &	HUBBS DEBBIE J	2333 POWERS AVE	LEWISTON	ID	83501
TIPPETT DANNIEL B		3636 23RD ST	LEWISTON	ID	83501
LEWISTON ORCHARDS IRRIGATION	DISTRICT	1520 POWERS AVE	LEWISTON	ID	83501



PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 3/5/2024

Case File Number: ANX24-000001, CPA24-000001, ZNC24-000002

Applicant:

Joe Greco
2206 Hemlock Avenue
Lewiston, ID 83501

Property Owner:

Joe Greco
2206 Hemlock Avenue
Lewiston, ID 83501

Site Location:

22.11 acres located south of Powers Ave and east of 23rd Street, immediately adjacent to the existing Skyview Estates Phase 3 subdivision. A map of the property is attached to this report.

Request/Proposal: The applicant requests that the undeveloped 22.11 acres located south of Powers Ave and east of 23rd Street, immediately adjacent to the existing Skyview Estates Phase 3 subdivision, be removed from the Lewiston Area of City Impact and annexed into Lewiston city limits and that it be assigned a Comprehensive Plan Land Use Designation of Low Density Residential and placed in the Low Density Residential, R2, Zoning District and amending the Lewiston Area of city Impact Map accordingly.

Subject Property and Surrounding Land Uses: The subject property is 22.11 acres of vacant land that is proposed to be developed into 47 building lots of various sizes. Properties to the north and west are single family dwellings while property to the east and south is vacant land located outside of city limits.

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Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 2

GENERAL PROVISIONS — GOVERNMENT — TERRITORY

50-222. ANNEXATION BY CITIES. (1) Legislative intent. The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.

(2) General authority. Cities have the authority to annex land into a city upon compliance with the procedures required in this section. In any annexation proceeding, all portions of highways lying wholly or partially within an area to be annexed shall be included within the area annexed unless expressly agreed between the annexing city and the governing board of the highway agency providing road maintenance at the time of annexation. Provided further, that said city council shall not have the power to declare such land, lots or blocks a part of said city if they will be connected to such city only by a shoestring or strip of land which comprises a railroad or highway right-of-way.

(3) Annexation classifications. Annexations shall be classified and processed according to the standards for each respective category set forth herein. The three (3) categories of annexation are:

(a) Category A: Annexations wherein:

(i) All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation;

(ii) Any residential enclaved lands of less than one hundred (100) privately owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by the boundary of the city's area of impact; or

(iii) The lands are those for which owner approval must be given pursuant to subsection (5)(b)(v) of this section.

(5) Annexation procedures. Annexation of lands into a city shall follow the procedures applicable to the category of lands as established by this section. The implementation of any annexation proposal wherein the city council determines that annexation is appropriate shall be concluded with the passage of an ordinance of annexation.

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(a) Procedures for category A annexations: Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN. (a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing scheduled by the commission. Following the commission hearing, if the commission recommends a material change to the proposed amendment to the plan which was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the governing board will not conduct a subsequent public hearing concerning the proposed amendment. If the governing board will conduct a subsequent public hearing, notice of the planning and zoning commission recommendation shall be included in the notice of public hearing provided by the governing board. A record of the hearings, findings made, and actions taken by the commission shall be maintained by the city or county.

(b) The governing board, as provided by local ordinance, prior to adoption, amendment, or repeal of the plan, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission. Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.

(c) No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk.

(d) Any person may petition the commission or, in absence of a commission, the governing board, for a plan amendment at any time, unless the governing board has established by resolution a minimum interval between consideration of requests to amend, which interval shall not exceed six (6) months. The commission may

recommend amendments to the comprehensive plan and to other ordinances authorized by this chapter to the governing board at any time.

History:

[67-6509, added 1975, ch. 188, sec. 2, p. 515; am. 1992, ch. 269, sec. 3, p. 832; am. 1999, ch. 396, sec. 5, p. 1103; am. 2010, ch. 253, sec. 1, p. 643; am. 2014, ch. 93, sec. 5, p. 256.]

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6511. ZONING ORDINANCE. (1) Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.

(a) Within a zoning district, the governing board shall where appropriate establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.

(b) Within an overlay zoning district, the governing board shall establish clear and objective standards for the overlay zoning district while ensuring that application of such standards does not constitute a regulatory taking pursuant to Idaho or federal law.

(2) Ordinances establishing zoning districts shall be amended as follows:

(a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner's lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.

(b) After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code, provided that in the case of a zoning district boundary change, and notwithstanding jurisdictional boundaries, additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or

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county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site. Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings before a planning commission, planning and zoning commission or governing board subject to applicable procedures.

(c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section [67-6509](#), Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.

(d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.

History:

[67-6511, added 1975, ch. 188, sec. 2, p. 515; am. 1983, ch. 121, sec. 1, p. 314; am. 1985, ch. 141, sec. 1, p. 384; am. 1987, ch. 329, sec. 1, p. 688; am. 1992, ch. 269, sec. 4, p. 833; am. 1999, ch. 396, sec. 8, p. 1105; am. 2003, ch. 142, sec. 1, p. 411; am. 2011, ch. 89, sec. 3, p. 194; am. 2013, ch. 216, sec. 1, p. 507.]

DIVISION 3. - LOW DENSITY RESIDENTIAL ZONE R-2

- **Sec. 37-26. - R-2 low density residential zone.**

Purpose. To provide land for lower density residential development in a neighborhood setting.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 10, 10-25-99)

- **Sec. 37-27. - Uses permitted outright.**

In an R-2 zone the following uses and their accessory uses are permitted outright subject to the provisions of article IV:

(1) Bed and breakfast facilities, subject to the special conditions of [section 37-13.1\(1\)](#) of this Code;

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- (2) Church, subject to the special conditions of [section 37-20.1\(2\)](#) of this Code;
- (3) Class A manufactured home;
- (4) Commercial uses legally established as of December 31, 2004, and which have maintained a valid business and occupation permit;
- (5) Family day care, subject to the special conditions of [section 37-13.1\(2\)](#) of this Code;
- (6) Mortuary, subject to the special conditions of [section 37-20.1\(1\)](#) of this Code;
- (7) Park, subject to the special conditions of [section 37-20.1\(4\)](#) of this Code;
- (8) School, subject to the special conditions of [section 37-20.1\(3\)](#) of this Code;
- (9) Single-family dwelling;
- (10) Two-family dwelling.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4161, § 3, 7-1-96; Ord. No. 4249, § 11, 10-25-99; Ord. No. 4385, § 3, 2-14-05)

- **Sec. 37-28. - Conditional uses permitted.**

In an R-2 zone, the following uses and their accessory uses are permitted when authorized in accordance with the standards and requirements in articles IV and IX:

- (1) Repealed by Ord. No. 4742.
- (2) Day care center, subject to the special conditions of [section 37-20.1\(5\)](#) of this Code;
- (3) Group day care, subject to the special conditions of [section 37-13.1\(3\)](#) of this Code;
- (4) Intermediate care facility;
- (5) Long-term care facility;
- (6) Intensification, or expansion of commercial uses of ten (10) percent of the building area or more which were legally established and licensed for business and occupation;
- (7) Manufactured home park, subject to the provisions of [chapter 23](#) of this Code, with a maximum density of nine (9) dwelling units per acre;
- (8) Multifamily dwelling, meeting the standards of [section 37-124.1](#) of this Code;
- (9) Noncommercial kennel, subject to commercial kennel standards of [section 37-163\(15\)](#) of this Code;
- (10) Preschool, subject to the special conditions of [section 37-20.1\(6\)](#) of this Code;

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(11) Public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;

(12) Re-establishment of a commercial use which was legally established but where the business and occupation license has lapsed for a period not to exceed one (1) year;

(13) Replacement of a nonconforming commercial use located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to standards of [section 37-163](#)(17) of this Code;

(14) Replacement of a nonconforming residential use not located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to setback and yard requirements of the R-2 zone;

(15) Semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency;

(16) Small lot development subject to the requirements of [section 37-33](#) of this Code, standards for small lot development;

(17) Tiny house village, subject to the provisions of [chapter 23](#) of this Code, with a maximum density of nine (9) dwelling units per acre.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 12, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4385, § 4, 2-14-05; Ord. No. 4433, § 1, 1-9-06; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4531, § 3, 7-13-09; Ord. No. 4656, § 1, 3-28-16; Ord. No. 4676, § 3, 11-28-16; Ord. No. 4742, § 2F, 8-19-19; Ord. No. 4799, § 3, 3-8-21; [Ord. No. 4841](#), § 5, 11-14-22)

- **Sec. 37-29. - Lot size.**

In an R-2 zone, the minimum lot size shall be as follows:

(1) For a single-family dwelling, the minimum lot area shall be seven thousand five hundred (7,500) square feet, subject to sections [32-45](#)(f)(1) and [36-103](#) of this Code.

(2) For a two-family dwelling, the minimum lot area shall be ten thousand (10,000) square feet, and connection to a municipal sanitary sewer system must be provided.

(3) For a multifamily dwelling, the minimum lot area shall be ten thousand (10,000) square feet plus three thousand (3,000) square feet for each dwelling unit over two (2), and connection to a municipal sanitary sewer system must be provided.

(4) Lot width shall be a minimum of sixty (60) feet.

(5) Lot depth shall be a minimum of eighty (80) feet.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4676, § 4, 11-28-16)

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- **Sec. 37-30. - Yards.**

Except as provided in article VIII, in an R-2 zone the minimum yard requirements shall be as follows:

- (1) A front yard shall be a minimum of twenty (20) feet or thirty-five (35) feet from the centerline of the street, whichever is greater.
- (2) 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 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.
- (3) A rear yard shall be a minimum of twenty (20) feet.
- (4) Duplex dwelling units constructed as a use permitted outright in this zone and constructed so as to share a common or adjoining side wall shall be allowed to legally split into two (2) minimum five thousand (5,000) square foot lots provided the front and rear setbacks are in compliance with this chapter and the side yard opposite the zero-lot line shall be a minimum of fifteen (15) feet. In no case shall the minimum width of the zero-lot line lot be less than fifty (50) feet nor the depth less than eighty (80) feet.

(Ord. No. 4108, § 2, 8-15-94)

- **Sec. 37-31. - Lot coverage.**

In an R-2 zone buildings shall not cover more than forty (40) percent of the lot.

(Ord. No. 4108, § 2, 8-15-94)

- **Sec. 37-32. - Height of buildings.**

In an R-2 zone, no building shall exceed a height of thirty-five (35) feet.

(Ord. No. 4108, § 2, 8-15-94)

- **Sec. 37-33. - Small lot development or zero lot line development.**

(a) *Lot size.*

(1) For a single-family dwelling, the minimum lot area shall be four thousand (4,000) square feet;

(2) For a two-family dwelling, the minimum lot area shall be six thousand five hundred (6,500) square feet;

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(3) Lot dimensions shall be a minimum of forty (40) feet and sixty-five (65) feet, with either dimension serving as lot width or lot depth, so long as both dimensions are met; provided, however, the minimum lot width for a lot street frontage that is a street curve radius only shall be thirty (30) feet, or twenty (20) feet if adjacent to a shared driveway evidenced by a recorded easement with the neighboring lot.

(b) *Yards.* Except as provided in [section 37-156](#) of this Code, the minimum yard requirements shall be as follows:

(1) A front yard shall be a minimum of ten (10) feet or twenty-five (25) feet from the centerline of the adjacent street, whichever is greater, except a front yard for a garage or carport shall be a minimum of twenty (20) feet.

(2) A side yard shall be:

a. Zero (0) feet for the common wall of a single-family dwelling that is attached to another single-family dwelling where the common wall is also a property line established by the subdivision platting process of [chapter 32](#) of this Code, Subdivisions; or

b. A minimum of five (5) feet, except (i): on corner lots the street side yard shall be a minimum of ten (10) feet or twenty-five (25) feet from the centerline of the adjacent street, whichever is greater; and (ii) for a garage or carport, a side yard shall be a minimum of twenty (20) feet.

(3) A rear yard shall be a minimum of twenty (20) feet except when one (1) side yard is at least twenty (20) feet, the rear yard may be reduced to ten (10) feet.

(c) *Building size.* In small lot development, buildings shall not cover more than sixty (60) percent of the lot.

(d) *Standards.*

(1) One (1) detached garage, carport, or storage building shall be allowed, so long as such detached garage, carport, or storage building does not exceed four hundred eighty-four (484) square feet; does not exceed sixteen (16) feet in height; and is not located closer to a street right-of-way than the house, unless on a flag lot or on the street side of a corner

lot. No other detached accessory buildings are allowed, unless they do not exceed one hundred twenty (120) square feet.

(2) Except on a flag lot, house facades fronting a street right-of-way shall have a minimum of fifteen (15) percent window area and shall include at least two (2) of the following for a minimum of twenty (20) percent of the length and/or height of the facade:

a. Color change;

b. Texture change;

c. Building material change; or

d. Incorporation of a wall plane projection or recession with the plane projection being a minimum of one (1) foot in depth and a minimum height equal to twenty-five (25) percent of the height of the wall.

(3) Primary entrances shall incorporate a front porch or other building articulation elements, such as cornices, brackets, overhangs, shutters, and window boxes, as part of the street-facing facade.

(4) Except on a flag lot, house facades fronting a street right-of-way shall not have an attached garage that exceeds seventy (70) percent of the width of the facade.

(5) Except on a flag lot, for a home with an attached garage, the garage wall with the garage door shall be recessed at least four (4) feet from the adjoining habitable space wall of the home.

(6) Except on a flag lot, all roofs shall be a hip, gable, or mansard roof with a minimum four-to-twelve (4:12) pitch with twelve (12) inch minimum eaves. Any mansard roof, except on a flag lot, shall incorporate dormers equal to at least twenty-five (25) percent of the facade area of the roof.

(7) Street trees. Street trees shall be planted by the developer or the lot owner in the right-of-way between the street and sidewalk, as approved by the city engineer and the city forester. The developer or the lot owner shall provide an automatic irrigation system for the

street trees. The number of street trees required to be planted is one (1) per lot street frontage, except no street trees are required to be planted for lots on cul-de-sacs. Street trees shall be planted at a spacing of not less than thirty (30) feet and not greater than sixty (60) feet, unless otherwise approved by the city forester. Each lot owner shall be responsible for maintenance of the street tree(s) for his or her lot, including replacement when necessary. Street trees shall be planted for each lot prior to the approval of final inspection for the home on the lot, except when weather conditions do not allow planting of trees, which may typically occur between November 1 and March 1.

(Ord. No. 4433, § 2, 1-9-06; Ord. No. 4755, § 2, 9-9-19; Ord. No. 4835, § 1, 12-20-21)

ARTICLE XII. AMENDMENTS

Sec. 37-178. Authorization to initiate amendments.

An amendment to the text of this chapter or to the official zoning map may be initiated by the council, by the commission, or by the property owner. A property owner may initiate a request for an amendment by filing an application with the community development department using forms prescribed in Article XIII. The application shall be submitted at least twenty (20) working days prior to the meeting of the planning and zoning commission at which it will be considered. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-179. Public hearing and records of amendments.

The commission shall hold a public hearing on every requested change in zoning district boundaries in accordance with section [37-184](#) of this chapter. Its recommendations on each request zone change shall be transmitted to the city council. No zone change shall be accomplished other than by ordinance duly passed by the city council. The city clerk shall maintain records of amendments to this chapter in a form convenient for use by the public. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-180. Accordance with adopted comprehensive plan.

The commission shall evaluate a requested amendment to a zoning district to determine the nature and extent of the requested change. If it is an accord with the adopted comprehensive plan, the commission may recommend and the council may adopt or reject the requested change. The commission may request documentation of land use impacts, both existing and proposed, through studies, presentations, or other documents, and may require said documentation to be stamped and signed by professionals deemed qualified by the commission.

If the commission determines the requested change is not in accord with the adopted comprehensive plan, the commission may either deny the request or recommend to the council an appropriate amendment to the plan. The council may adopt or reject the amendment under the procedures provided in Idaho Code, Section [67-6509](#). After the plan is amended, the zoning map may be amended in conformity therewith. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4344, § 4, 11-17-03)

Comprehensive Plan:

The subject property is located in the Area of City Impact (ACI) and if annexed will be added to Neighborhood 7, East Orchards.

Relevant statements from the Comprehensive Plan include the following:

CHAPTER 6.8 AREA OF CITY IMPACT AND ANNEXED AREAS PURPOSE OF AREAS OF CITY IMPACT ACI's are transition areas between each city and the county and act as place holders for future annexation and eventual urban development. They are important because they help cities and counties carry out the purposes of planning, which include protecting property rights, ensuring that adequate public facilities and services are provided at reasonable cost, and encouraging urban type development within cities. ACIS are important tools that help coordinate growth with the availability of services. ACIs also help to concentrate density to those areas best prepared to receive new developments. This is referred to as managed growth and rules that govern it are described in §67-6526 of Idaho Code. Lewiston and Nez Perce County first adopted an ACI in 1982. The Lewiston ACI has been renegotiated since that time, most recently in 2014. The boundary is depicted on the Lewiston Area of City Impact Zoning Map.

Nez Perce County has adopted City of Lewiston zoning and development standards within the ACI boundary. For subdivision developments, three options for construction of improvements are available. Areas of City Impact Goal and Policies Goal Statement: To plan for and manage growth that protects private property rights, ensures adequate public facilities and services are provided at reasonable costs, encourage urban development within cities, and ensures that land is developed commensurate with its physical characteristics. Policies: 1. Nez Perce County should consider and weigh the needs of residents of Areas of City Impact in land use and land management decisions. 2. Nez Perce County recognizes that ACI's provide a way for cities and counties to grow in a way that maintains the quality of life for its current and future residents, prevents urban sprawl, protects critical lands, and anticipates future public service and facility needs. 3. Nez Perce County should encourage moderate to high-density residential and/or commercial development to locate in or adjacent to incorporated cities and communities where adequate public services are available. 4. Nez Perce County should require construction of rights-of-way and utilities when adjacent to city limits or existing public services. 5. Nez Perce County should provide reasonable alternatives to construction of rights-of-way and utilities when connections to existing public services are not available. 6. In

the Lewiston ACI, Nez Perce County will require construction of all platted rights of way with adjacent development.

e. Vacant Lands Vacant lands in this neighborhood consist of lands used for pasture, land otherwise unsuitable for residential development and land awaiting development. Lands used for pasture is considered as a form of land banking for future development. The Orchards was originally platted in five acre lots. Over time, these lots began developing along the street side, leaving the centers undeveloped for use as pasture or gardens. This subdivision has continued but in many cases, the property on the interior of the large parcels is now landlocked, thus providing a resource for future development should access requirements be amended to allow full development.

h Desired Futures of Neighborhood Number Seven – East Orchards

2. Public utilities are not present in all parts of this neighborhood. Code limitations preclude significant development of lands not served. a. The serving utilities should extend public utilities to the city limits to allow proper development of the vacant lands remaining.

4. Residents of this neighborhood have strongly expressed a desire for the retention of animal rights. Whenever possible, preservation of animal rights should be retained especially along the extremities of the urban boundary. More intense agricultural uses and active farming within the city limits should be phased out over time to more urban uses.

12. In general, streets and drainage systems in this neighborhood do not meet current standards for local or collector streets. a. Site access must be improved with streets upgraded to current city standards, appropriate to the classification of the street. b. Area drainage throughout the area must be upgraded with curb, gutter and sidewalk installed and surface or underground stormwater collection systems installed.

CHAPTER 1. A VISION FOR LEWISTON IN 2020

First, people of all income groups have safe and adequate housing available; residential areas are protected from commercial incursion. A variety of housing types are provided throughout the community while respecting the development pattern of the neighborhood in which they are located.

Fourth, we respect the environment in which we live, protecting our air and water quality and the lands more suited for wildlife than for urban development. We will site new business and industry in those areas where they will have the least impact on our quality of life.

Sixth, we are a compact urban community, preventing sprawl and efficiently using our land resources and infrastructure, understanding that the random spread of a community wastes valuable resources while adding little to the tax

ANX24-000001, CPA24-000001, ZNC24-000002

base. Development will be occurring next to already developed areas, rather than in a random, leapfrog pattern and will be developed to city standards.

Powers Avenue is considered a collector street and 22nd Street is considered a local road. The sections of Powers Avenue and 22nd Street that are adjacent to the subject property were not evaluated for levels of service in the 2020 Transportation Plan, they also do not have pedestrian improvements currently and are not located on the existing transit routes.

CHAPTER 16. IMPLEMENTATION “An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.”

COMMUNITY GROWTH One way the community can grow is through annexation of additional territory. This provides additional land for the community to grow; in addition, the community gains control over the surrounding lands that will affect its ability determine future uses in the area. Throughout this plan, recommended annexations have been identified. The City should take steps to begin the process of annexation of these, and other, parcels.

Input From Other Departments/Agencies:

The Fire Department provided no comments.

The Engineering Division of the Public Works Department provided no comments.

The Lewiston Orchards Irrigation District commented that the booster station installed during Phase 3 of the Skyview Estates Subdivision is operation and would service the proposed development but that engineered plans would need to be submitted and reviewed by the LOID, DEQ would need to approve and the Annexation fees paid.

Analysis:

The subject property is located east of the existing Skyview Estates Phase 3 subdivision. The annexation proposal is for 22.11 acres of vacant land to be developed into future building lots. The proposed land use designation is Low Density Residential and proposed zoning is Low Density, R2, Residential Zone. The adjacent residential properties are also a Low Density Residential land use designation and are zoned Suburban Residential, R1, Zone. Per the applicant, should the proposed annexation, comprehensive plan map amendment and rezone be approved, the subject property would then be subdivided into 47 building lots, further expanding the footprint of the Skyview Estates Subdivision. The Low Density Residential, R2, Zone has a minimum lot area of 7500 square feet.

The subject property is located in the Area of City Impact and the Comprehensive Plan identifies lands located in the Area of City Impact as most appropriate for annexation and “this provides additional land for the community to grow”.

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The applications for the subject property are for the land use and if approved, the Commission would later review and recommend approval or denial of the subdivision plat to City Council. The subdivision plat is not part of these applications. Subdivision code requires that any zoning action that may be needed be completed prior to the subdivision plat approval.

Relevant Criteria and Standards:

See attached worksheet.

Staff Recommendation:

Staff recommends approval of ANC24-000001, CPA24-000001, and ZNC24-000002.

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