



**Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
March 27, 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 MARCH 13, 2024 MEETING MINUTES (ACTION ITEM)

B. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS APPROVING ZONE CHANGE APPLICATION 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

C. CONTINUATION OF PUBLIC HEARING FROM MARCH 13, 2024 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

IV. STAFF-COMMISSION COMMUNICATIONS

A. QUERY OF COMMISSIONERS FOR THE APRIL 10, 2024 MEETING (REASONED STATEMENTS).

V. ADJOURNMENT (ACTION ITEM) - 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.

March 13, 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; Kathy Branson via Zoom; Emily Wolf

COMMISSIONERS EXCUSED:

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

II. CITIZEN COMMENTS

None

III. ACTIVE AGENDA

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

Commissioners Busch and Anderson moved and seconded, respectively, approval of the February 28, 2024 meeting minutes with conditions. The motion carried 7-0.

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):

Chair Ball explained the public hearing process, opened the public hearing and asked for a staff presentation.

Staff Hollingshead provided a verbal summary of the staff report with maps and photos so the commission could get geographically familiar with the area.

Commissioner Branson stated she read that all conjoining landowners have to consent to the land use change into an M1, is this something that happens at the Public Hearing.

Staff Hollingshead stated no that the conjoining landowners are notified of the request and no approval from them is needed.

Applicant Doug Stout, property owner stated they have received interest from companies in regards to this land. This zone change matched the surrounding

land use that is already an M1. There are water lines and a phone line that connects to Kenworth's property, but the sewer would have to come from the direction of the jail.

There being no questions for the applicant, Chair Ball asked for public testimony.

Mitchell Sutton, Lewiston Id stated that he was not notified about the meeting and was under the impression that this land would be used as a cattle ranch. The Port has plenty of property that is not being developed that is already zoned and M1. He owns the adjacent property and didn't build his custom home to overlook an industrial park. When he constructed his house they had to place it higher on the hill because there is a natural gas line that runs through these properties and is an obstacle to get around.

Staff Tengono stated she would look into the statement from Mr. Sutton saying he was not notified.

Chair Ball stated Mr. Sutton mentioned a gas line that runs through the property, does it go through his entire property?

Mr. Sutton stated yes it runs through this property and runs to his property.

There being no further public comment, Chair Ball asked the applicant's representative for a rebuttal.

Applicant Stout stated the gas line is to the north of the property and should not affect development on his property.

Commissioner Branson requested Staff Tengono to research if surrounding landowners need to consent to this zone change.

Commissioner Kelly and Branson moved and seconded, respectively, to table this item and leave the public hearing open until March 27, 2024 meeting.
Motion passed 7-0

Commissioner Iacoboni asked if future developments would come to the Planning and Zoning Commission or the City would review it at some level.

Staff Hollingshead stated it would only come back if there was a conditional use permit application.

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):

Chair Ball explained the public hearing process, opened the public hearing and asked for a staff presentation.

Staff Hollingshead provided a verbal summary of the staff report with maps and photos so the commission could get geographically familiar with the area.

Commissioner Branson asked if animal rights, street design and public utilities would come after the design of the subdivision.

Staff Hollingshead stated animal rights are not part of the R2 zone. The street network and utilities are part of the subdivision process.

Applicant Scott Becker, with Hodge and Associates representing the applicant. Mr. Becker stated staff Hollingshead covered everything that the applicant would have, but stands for questions.

Commissioner Anderson asked why the applicant is not choosing to annex the remaining land does not extend all the way across.

Mr. Becker stated that they are tying into what is existing and as it wraps around it will have a different layout.

There being no further questions for the applicant, Chair Ball asked for public testimony.

John Morgenstern 2425 Powers Ave stated his neighbor was notified by mail, but he had not received anything. Thinks that low density should match his lot which is a 5-acre lot. Stated that having septic systems in this area is a bad idea and is concerned with the size of the lots being too small. Mr. Morgenstern continued to ask information questions in regard to county property. Staff Hollingshead did direct Mr. Morgenstern to the County for these questions,

Commissioner Branson stated there is a proposal of 47 lots.

Commissioner Ball asked Staff Hollingshead how many homes on density for an R1 acre.

Staff Hollingshead stated in an R1 it is a minimum lot size of 10,000 and would be equivalent to 4 homes per acre.

There being no further public comment, Chair Ball asked the applicant's representative for a rebuttal.

Mr. Becker stated they chose R2 instead of R1 is that they are not looking to have animal rights in this subdivision and are trying to make this a nice subdivision. The lots are pretty substantial lots so no tiny homes. In regards to septic, this area has to have a nutrient pathogen testing done and this makes it pretty impossible to get done.

Staff Tengono stated that Mr. Morgenstern's property is not within 330 feet of the property and that is why he was not notified.

Commissioner Kelly asked staff if this property part of the storm water drainage issues.

Staff Hollingshead stated it is in the area. The lots will be required to connect to City services and the storm water will be mitigated at the subdivision process.

There be no further questions, Chair Ball closed the public hearing.

Commissioner Busch and Vice Chair Iacoboni moved and seconded, respectively, to recommend approval of ANX24-1 to the City Council. Motion passed 7-0.

Commissioner Busch and Kelly moved and seconded, respectively, to recommend approval of CPA24-1 to the City Council. Motion passed 7-0.

After discussion of relevant criteria and standards, Commission Anderson and Vice Chair Iacoboni moved and seconded, respectively, to direct staff to draft the Reasoned Statement approving ZNC24-2. Motion passed 7-0.

Commissioner Anderson and Vice Chair Iacoboni moved and seconded, respectively, to recommend approval of the associated Area of City Impact map amendments to the City Council. Motion passed 7-0.

IV. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for March 27, 2024 meeting.

All current commissioners plan to be in attendance besides Commissioners Wolf and Branson who can attend via Zoom for the March 27, 2024 meeting. Staff Hollingshead did state there will be a new commissioner joining this meeting.

Staff Hollingshead presented Commissioner Busch with a plaque for his 4 years of volunteer service to the Planning and Zoning Commission as this will be his last meeting.

V. **ADJOURN**

There being no further business, Commissioner Anderson and Vice Chair Iacoboni moved and seconded, respectively, to adjourn. The motion carried 7-0 and the Planning and Zoning Commission adjourned at approximately 6:46 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2024.

**CITY OF LEWISTON PLANNING AND ZONING COMMISSION
REASONED STATEMENT OF RELEVANT CRITERIA AND
STANDARDS FOR GRANTING OR DENIAL OF
ZONING DISTRICT BOUNDARY CHANGE/REZONE**

This document shall serve as memorialization of the rationale for the granting or denial of a zoning district boundary change/rezone, which shall be based upon relevant criteria and standards, including the Lewiston Comprehensive Plan, Lewiston City Code, and Idaho Code. *See* I.C. § 67-6535.

I. APPLICATION NUMBER:
ZNC24-2

II. APPLICANT'S NAME AND ADDRESS:
Greco Land Development, LLC
Joe Greco
2206 Hemlock Avenue
Lewiston, ID 83501

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
22.11 acres located south of Powers Ave and east of 23rd Street, immediately adjacent to the existing Skyview Estates Phase 3 subdivision.

IV. DATE OF PUBLIC HEARING:
March 13, 2024

V. NAME OF HEARING BODY:
Lewiston Planning and Zoning Commission

VI. NATURE OF APPLICATION:
Rezone subject property from Area of City Impact (Nez Perce County) Suburban Residential ACI, R1A, Zone to City of Lewiston Low Density Residential, R-2, Zone

VII. DECISION:
The Lewiston Planning and Zoning Commission recommends **APPROVAL** of ZNC24-2 to the Lewiston City Council.

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None.

While there was a member of the public who appeared to have concerns regarding the minimum lot sizes for the proposed zoning designation, there were no discernable facts or information presented to the Commission to determine whether or not the individual opposed the proposed zoning designation for the subject property, as opposed to lot sizes related to the general development of the area.

IX. RELEVANT CRITERIA AND STANDARDS:

The following relevant criteria, standards, facts, and considerations are hereby declared as reasons for the decision on this zoning district boundary change/rezone:

1. The proposed rezone **is** in general conformance with the Lewiston Comprehensive Plan. Applicable commentary:

The subject property is located next to Lewiston Comprehensive Plan (Plan) Neighborhood Number 7, East Orchards, in the Area of City Impact (ACI), and recognized as being appropriate for annexation into the City of Lewiston (City) for low density residential development. The Plan provides, in relevant part, that “ACI’s are important transition areas between each city and the county and act as place holders for future annexation and eventual urban development.” (Chapter 6.8). As a result, the Plan identifies the ACI area as a tool that helps coordinate growth with the availability of services, and to help concentrate density to those areas best prepared to received new developments. (Chapter 6.8). The Plan also states in Chapter 16, that “One way the community can grow is through the 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 to determine future uses in the area.” Furthermore, the Plan recommends that the City take steps to begin the annexation process when appropriate. (Chapter 16).

The subject property is proposed to be located in Neighborhood Number 7, East Orchards, and designated on the Future Desired Land Use Map as Low Density Residential, which provides that serving utilities should extend public utilities to the city limits to allow proper development of vacant lands. (Chapter 6.7.h.2). The subject property is adjacent to some utilities, and the applicant has recently installed a water booster station in accordance with the Lewiston Orchards Irrigation District’s (LOID) standards as a part of an earlier phase of the Skyview Estates Subdivision.

The Commission found that the proposed rezone is in general conformance with the standards of the Plan because the annexation and subsequent zoning is for lands located in the ACI and adjacent to recently developed lands. Further, the Plan states that lands located in the ACI are most appropriate for annexation as it provides additional land for the City to grow in a manner

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR ZNC24-2

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it can have greater control over to ensure future developments are built to City standards. As a result, the Commission found that ZNC24-2 was consistent with the Plan and will further the goals and objectives stated above in the Plan.

2. The subject property **is** at least as well suited or is better suited for the proposed zoning district than the existing zoning district. Applicable commentary:

The subject property is located adjacent to Neighborhood Number 7, East Orchards, in the ACI, and has a proposed zoning designation of Low Density Residential, R-2, Zone. The purpose of the Low Density Residential, R-2, Zone is to provide land for lower density residential development in a neighborhood setting. (LCC Sec. 37-26). This zoning designation allows for single family, two-family, and multi-family dwellings (with Conditional Use Permit) of various sizes. The Commission agreed with the applicant that the Low Density Residential, R-2, Zoning district is an appropriate match for this future land use designation, because the proposed rezone will allow the developer to include a mix of housing types to fit the needs of the local community.

Further, the subject property is best suited for the proposed City of Lewiston Low Density Residential, R-2, Zone than the existing Nez Perce County zoning designation because it will further the goals and objectives stated in the Plan, specifically Chapter 6.8, which states “Areas of City Impact (ACI’s) are important tools that help coordinate growth with the availability of services. ACI’s also help to concentrate density to those areas best prepared to receive new developments”. The Commission noted that the subject property is adjacent to an already developed subdivision and will become an extension of that subdivision. They also noted that the subject property will utilize already installed utilities that the developer has extended to the subject property.

3. The proposed rezone **does not** present foreseen, immitigable impacts of incompatible uses or development being located in the same vicinity. Applicable commentary:

The subject property is located east of the existing Skyview Estates Phase 3 Subdivision. The associated annexation proposal is for 22.11 acres of vacant land to be developed into future building lots for a mix of home types. The proposed land use designation is Low Density Residential, and the proposed zoning is Low Density Residential, R-2, Zone. The adjacent residential properties are also a Low Density Residential land use designation, but are zoned Suburban Residential, R-1, Zone. Per the applicant, the subject property is anticipated to be developed into 47 building lots of differing sizes that complement the other phases of the Skyview Estates Subdivision, further expanding the footprint of the Skyview Estates Subdivision. The applicant proposes low density residential development for the subject property, similar in nature to the existing neighborhood. The proposed Low Density Residential, R-2, Zone allows for single family dwellings on lots of 7,500 square feet and duplexes on lots of 10,000 square feet (LCC Sec 37-29).

Properties to the north and west of the subject property currently contain single family dwellings. Property to the east and south is vacant land, some of which is owned by the applicant. The Commissioners noted that there does not appear to be any immitigable impacts because the subject property already abuts an area that is similarly zoned. Further, the Commissioners noted that the subject property is an extension of the existing subdivision and that the inclusion of the subject property is being done in a manner to ensure that it is compatible with the rest of the Skyview Estates Subdivision. The by right uses, conditional uses, and development standards of the proposed zone are similar to that of the surrounding zone, and any proposed uses that are higher in density or intensity will require a Conditional Use Permit, which would allow for input at a public hearing.

4. The effects of the proposed rezone **are not** anticipated to place undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction, including school districts. Applicable commentary:

Political subdivisions were notified of the proposed rezone of the subject property. City departments provided no comments. The LOID commented that the applicant had already installed a water booster station in the Phase 3 of the Skyview Estates Subdivision that could service the newly annexed lands; provided, however that the applicant submits engineered plans to be approved by the LOID, and subject to DEQ's approval, prior to annexation of the subject property into LOID's jurisdiction. The Commissioners noted the lack of opposition from political subdivisions indicated that they did not object to the proposed zoning of the subject property. Further, the Commission felt that the proposed zoning of the subject property will aid in allowing the extension of public utilities in this area, helping to improve the delivery of services to the area.

5. 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. Applicable commentary:

The characteristics of the proposed rezone are materially similar in type to the surrounding neighborhood, and the limited uses of a higher density or intensity are only allowed by conditional use permit, which would require a public hearing in front of the Planning and Zoning Commission for approval or denial and allow for residents in the neighborhood to have their opinions heard. The Commission noted that the size of the subject property, and the proposed intensity will also aid the City by increasing the underlying tax base so that all City residents will receive a benefit based upon the zoning of the subject property. As previously indicated the developer intends to extend the existing utilities in the abutting subdivision to service the subject property. Additionally, LOID has indicated that it can provide water to the subject property, pending the administrative process to annex the subject property into its jurisdiction.

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant **could not** take actions to obtain approval, the explanation is: Not applicable

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant **could** take actions to obtain approval, such actions might include: Not applicable

NOTICE TO APPLICANT AND AFFECTED PERSONS: The Planning and Zoning Commission's recommendation to the City Council is not a final decision, and thus, shall not be subject to reconsideration or appeal.

By: _____
Signature of Planning and Zoning Commission Chair or Vice Chair or Acting Chair

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Office Supervisor



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

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;

(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:

ZNC24-1

(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;

- (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. SHARE

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. SHARE

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. SHARE

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:

ZNC24-1

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 PLANNING AND ZONING COMMISSION
REASONED STATEMENT OF RELEVANT CRITERIA AND
STANDARDS FOR GRANTING OR DENIAL OF
ZONING DISTRICT BOUNDARY CHANGE/REZONE**

This document shall serve as memorialization of the rationale for the granting or denial of a zoning district boundary change/rezone, which shall be based upon relevant criteria and standards, including the Lewiston Comprehensive Plan, Lewiston City Code, and Idaho Code. *See I.C. § 67-6535.*

I. APPLICATION NUMBER:

II. APPLICANT’S NAME AND ADDRESS:

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:

IV. DATE OF PUBLIC HEARING:

V. NAME OF HEARING BODY:
Lewiston Planning and Zoning Commission

VI. NATURE OF APPLICATION:
Rezone subject property from [current zone] to [proposed zone]

VII. DECISION:
The Lewiston Planning and Zoning Commission recommends [APPROVAL/DENIAL]
of XXX to the Lewiston City Council.

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

IX. RELEVANT CRITERIA AND STANDARDS:

The following relevant criteria, standards, facts, and considerations are hereby declared as reasons for the decision on this zoning district boundary change/rezone:

1. The proposed rezone (**is/is not**) in general conformance with the Lewiston Comprehensive Plan. Applicable commentary:
2. The subject property (**is/is not**) at least as well suited or is better suited for the proposed zoning district than the existing zoning district. Applicable commentary:
3. The proposed rezone (**does/does not**) present foreseen, immitigable impacts of incompatible uses or development being located in the same vicinity. Applicable commentary:
4. The effects of the proposed rezone (**are/are not**) anticipated to place undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction, including school districts. Applicable commentary:
5. The size, type, intensity, and density of development expected to occur on the subject property as a result of this rezoning (**is/is not**) suitable for the area and (**will/will not**) unduly burden the neighborhood, public infrastructure, or environmental resources. Applicable commentary:

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant **could not** take actions to obtain approval, the explanation is:

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant **could** take actions to obtain approval, such actions might include:

NOTICE TO APPLICANT AND AFFECTED PERSONS: The Planning and Zoning Commission's recommendation to the City Council is not a final decision, and thus, shall not be subject to reconsideration or appeal.

By: _____
Signature of Planning and Zoning Commission Chair or Vice Chair or Acting Chair

Printed: _____

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR ZNC **xx-xxxxxx**

Page 2 of 3

Date of Signature: _____

ATTEST: _____
Tanya Brocke, Community Development Specialist

CK# 1058

STAFF USE ONLY

Case Number: _____

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
Street Address Apartment/Unit #

Benisee ID. 83832
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 ^{nearby} ~~surrounding~~ 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 foreseen, 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. 3D Stoud LLC manager Date: 2-13-24

The Property Owner hereby authorizes this application:

Signature: Wayne S. 3D Stoud 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/

★ ↓ ① ⋮

Nez Perce County, Idaho

Assessor & Treasurer Map

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Introduction

Layers

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- ☒ Major Roads
- ☒ All Roads
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- ☒ Imagery
- ☐ Lewiston_2020
- ☒ Lew_Imagery_2018
- ☐ NPC_Imagery_2021
- ☐ NPC_Imagery_2018
- ☒ County Boundary
- ☒ Region

Legend

 Search

Property Information



Selected Properties:1

☒ RPL15350010010

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]

Buffer

Zoom All

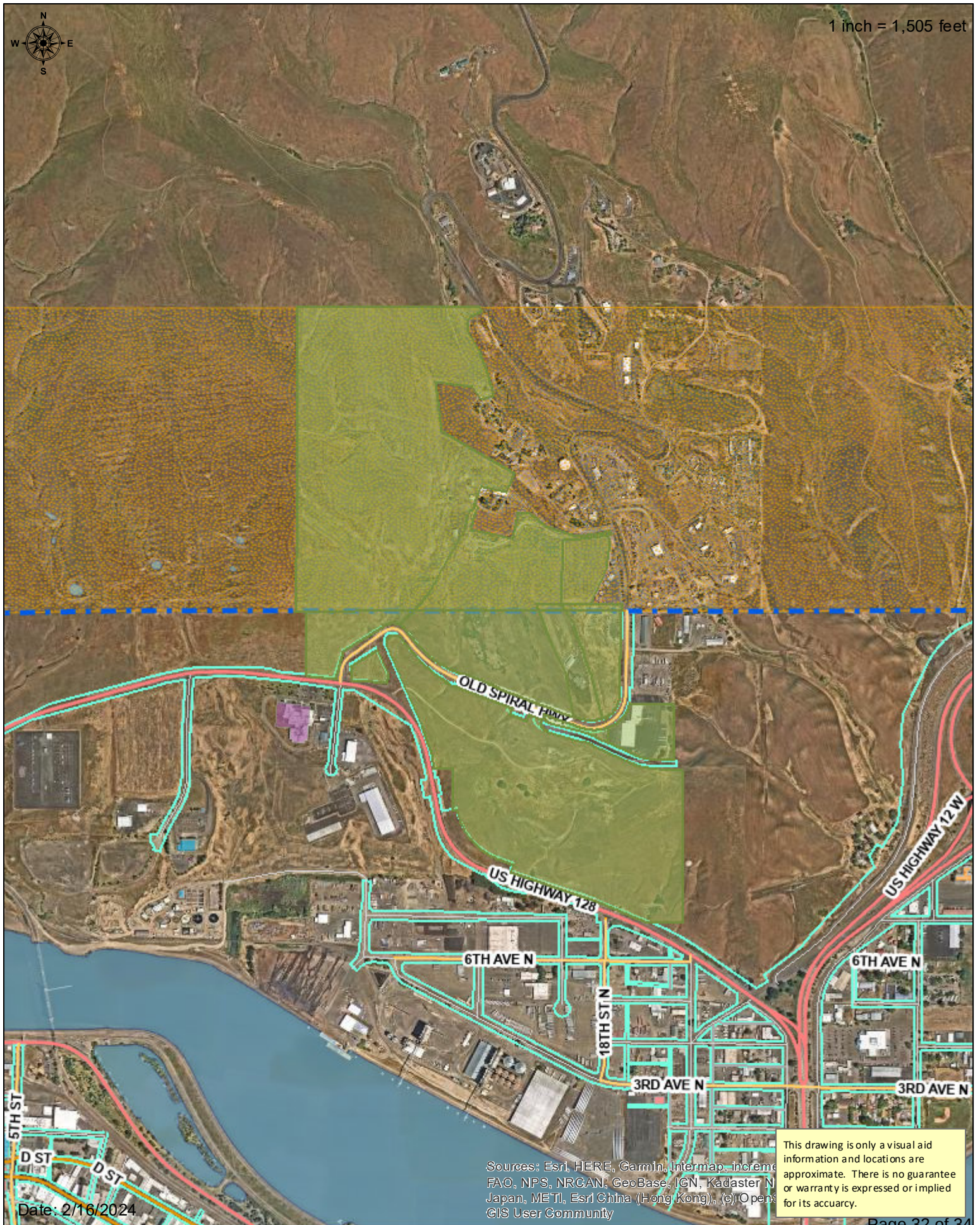
Zoom Current

Subject property

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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

City of Lewiston



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

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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.