

MEETING AGENDA

LEWISTON PLANNING AND ZONING COMMISSION

MARCH 08, 2023 AT 5:30 P.M.

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

Citizen comments and testimony for public hearings may be made: in-person, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208)798-2570 and leaving a message. Citizen comments and testimony for public hearings submitted by email or phone will be forwarded to the Planning & Zoning Commission. If you would like your citizen comment to be read out loud during the meeting, please so indicate in your message. Testimony for public hearings that was submitted by email or phone and unable to be forwarded to the Planning & Zoning Commission prior to the meeting will be read out loud during the public hearing. Members of the public who wish to provide in-person comment or testimony, but who are unable to secure a seat in the designated meeting space and/or overflow room(s) due to occupancy or gathering limits, will be rotated in and out of the designated meeting space in order to provide comment. While not in the designated meeting space, such persons may watch and listen to the livestream of the meeting on their own devices by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org

COMMISSION MEMBERS: Chair; Michael Busch, Vice Chair; Gabriel Iacoboni, Kathy Branson, Cynthia Ball, Kevin Kelly, Maureen Anderson, Open Position

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**AS A MATTER OF PUBLIC SERVICE AND GOVERNMENTAL TRANSPARENCY, THIS MEETING  
 MAY BE RECORDED, STREAMED LIVE AND/OR ACCESSED AT A LATER TIME. NOTE THAT THIS  
 MAY INCLUDE VIDEO AND AUDIO OF ALL PERSONS PRESENT.**  
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- 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. **APPROVAL OF FEBRUARY 22, 2023 MEETING MINUTES (ACTION ITEM)**
- IV. **APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR ZONE CHANGE APPLICATION ZNC23-000002 BY DK HOLDINGS, LLC (ACTION ITEM)**: The applicant proposes to amend the Comprehensive Plan Land Use Designation from Low Density Residential to Medium Density Residential and rezone from Suburban Residential, R1, Zone to Medium Density Residential, R3, Zone, the tax parcel RPL0097003000A, consisting of 8.96

acres and generally located east of 18th Street, north of Airway Avenue, and south of unimproved Bryden Avenue.

V. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP23-000002 BY TAUNIA HOSKING FOR A DAYCARE CENTER, 13 OR MORE CHILDREN, AT 1827 GRELLE AVENUE (ACTION ITEM):

The applicant requests conditional use permit approval to upsize the existing group daycare operation (care for 12 children maximum) to a Daycare Center, thirteen (13) children or more, on a 1.16 acre lot at 1827 Grelle Avenue, within the Suburban Residential, R1, Zoning District. In the R-1 Zone, Daycare Centers are allowed by Conditional Use Permit and subject to the special conditions of section 37-20.1(5) of the Lewiston City Code.

VI. STAFF-COMMISSION COMMUNICATIONS

- A. Query of Commissioners for the March 22, 2023 meeting (Zone Change public hearing)

VII. ADJOURN (ACTION ITEM)

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access to the facility within which this meeting is being held, please contact City Planner, Joel D. Plaskon at least forty-eight hours in advance of the meeting at (208) 746-1318 extension 7202 or jplaskon@cityoflewiston.org.

February 22, 2023

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

Planning & Zoning meetings are recorded live. To view the full video, go to <https://livestream.com/accounts/11220190> and select Planning & Zoning.

I. CALL TO ORDER

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

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. APPROVAL OF FEBRUARY 8, 2023 MEETING MINUTES (ACTION ITEM)

Commissioners Iacoboni and Kelly moved and seconded, respectively, approval of the February 08, 2023 meeting minutes with Commissioners Branson and Anderson abstaining. The motion carried 4-0-2.

IV. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR ZONE CHANGE APPLICATION ZNC22-000001 BY GRECO LAND DEVELOPMENT, LLC (ACTION ITEM):

Assistant City Attorney Jennifer Tengono recommends tabling the reasoned statement until the Planning and Zoning can have 2nd Public Hearing due to additional information coming to attention.

Commissioners Kelly and Iacoboni moved and seconded, respectively, to table the reasoned statement ZNC23-000001 until after the 2nd public hearing. Motion passed 6-0.

V. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR APPLICATIONS CPA23-000002 AND ZNC23-000002 BY DK HOLDINGS, LLC (ACTION ITEM):

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

Assistant Planner Katie Hollingshead provided a verbal summary of the staff report with maps and photos so the commission can get geographically familiar with the area.

Commissioner Ball asked for clarification if the duplex were on the same lot.

Staff Hollingshead stated each unit will have its own lot, the structure will be built on the lot line.

Commissioner Kelly asked for the utilization rate of land.

Staff Hollingshead stated she was not sure what the utilization rate was.

Applicant Dan Yonge, 247 Thain Rd, Lewiston, Id, stated Staff Hollingshead did an amazing job describing the request and wanted to address that these units will be built as townhomes so they will be built on the lot lines, roads will also be built 53 feet wide and he would be happy to get the utilization number if the Commission wanted it. Mr. Yonge also stated they would be giving up 17 feet along Airway to increase the road width.

Joe Hulett, 1807 Clearview Point Drive, Lewiston, Id sent the following statement via email. My wife, Pat, and I live at 1807 Clearview Point Drive, only a short distance north of the parcel Mr. Yonge has asked to be redesignated and rezoned. While we highly respect Mr. Yonge for the work he has done (he built our house, among many others), we are concerned that the proposed changes would unfavorably affect the character of our neighborhood by unduly increasing the population density. We therefore oppose the requested changes.

Applicant Dan Yonge, 247 Thain Rd, Lewiston, Id, stated he built Mr. Hulett's house about 10 years ago. Most of the traffic from this new subdivision is going to be before the road to Mr. Hulett's house. The proposed lots will be very similar in size to Mr. Hulett's.

Commissioner Ball asked if the new proposed subdivision would have alley access.

Staff Hollingshead stated there would not be alley access. Staff also reminded Commission that this public hearing is only for the zone change, comprehensive plan amendment and map amendment. The plat will come before the Commission at a later date.

Commissioners Iacoboni and Branson moved and seconded, respectively, to recommend approval of CPA23-000002 to City Council. Motion passed 6-0

After deliberation and discussion of relevant criteria, commissioners Branson and Kelly moved and seconded, respectively, to direct staff to draft a Reasoned Statement recommending approval of ZNC23-0000002 to City Council. Motion passed 6-0

VI. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for March 08, 2023 meeting.

All current commissioners will be in attendance at the next meeting except Kevin Kelly may not be in attendance.

Staff Hollingshead welcomed the new Commissioner Anderson.

VII. ADJOURN

There being no further business, Commissioners Anderson and Branson moved and seconded, respectively, to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 6:20 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2023.

**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:
ZNC23-000002

II. APPLICANT'S NAME AND ADDRESS:
DK Holdings, LLC
247 Thain Road #107
Lewiston, ID 83501

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
Approximately 8.96 acres generally located east of 18th Street and known as tax parcel RPL0097003000A, located north of Airway Avenue and south of unimproved Bryden Avenue.

IV. DATE OF PUBLIC HEARING:
February 22, 2023

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

VI. NATURE OF APPLICATION:
Rezone subject property from Suburban Residential, R-1, Zone to Medium Density Residential, R-3, Zone

VII. DECISION:
The Lewiston Planning and Zoning Commission recommends **APPROVAL** of ZNC23-000002 to the Lewiston City Council.

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None

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 Comprehensive Plan states, under Chapter 6, 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-14.0: "Provide for an appropriate mix of housing types in each of the City's eight planning neighborhoods." Objective LU-14.1: "Review and revise zoning designations, as appropriate, to assure that adequate land (both developed and undeveloped) is available for both single-family and multi-unit residential development." Objective LU-14.3: "Evaluate appropriateness of duplexes in various residential zones. Revise zoning ordinance, as necessary." Goal LU-18.0: "Provide and maintain public services, utilities, and associated infrastructure in a cost-effective manner, by encouraging compact and continuous growth." Lastly, Objective LU-18.1: "Establish and adopt a revised Comprehensive Land Use Map. Establish land use zones such that growth is directed to areas that are contiguous with existing development, and where services are readily available." The proposed rezone and associated development of the subject property will create an orderly development on a currently vacant lot. The adjacent Canyon Crest Estates subdivision is a Planned Unit Development that will also include multi-family residential and commercial development in future phases, so higher intensity land uses are already planned for this area of the city.

The Comprehensive Plan's desired future land use designation is for low density residential. Currently, the City is under-zoned in terms of the amount of land zoned medium density residential, and is over-zoned in terms of the amount of land zoned suburban and low density residential. A Comprehensive Plan Map amendment is proposed in conjunction with this rezone so that the desired future land use will be medium density residential, and the rezone proposal will then be in conformance.

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 proposed Medium Density Residential, R-3, Zone has a minimum lot size of 6,000 square feet for single family residential. The proposed medium density land use designation in the Comprehensive Plan allows for 8-17 dwelling units per acre. The proposed Medium Density

Residential, R-3, Zone also allows for small lot development by right, which allows for smaller lot sizes but requires design standards on all properties to create a cohesive neighborhood feel. The city is currently under-zoned in terms on the amount of land zoned medium density residential, and it is over-zoned in terms of the amount of land zoned suburban and low density residential.

The subdivision concept plan for the subject property, submitted as a supplement to the rezone application, contemplates 56 dwelling units (28 zero lot line, i.e., attached with a common wall, dwellings) over the 8.96 acres, which is a density of 6.25 units per acre. A density of 6.25 dwelling units per acre falls within the range for the low density land use designation in the Comprehensive Plan, which has a density range of 5-8 dwelling units per acre. Although a medium density land use designation in the Comprehensive Plan allows for 8-17 dwelling units per acre, that number is a gross development density, i.e., the highest potential presuming no land will need to be dedicated to streets, sidewalks or stormwater detention facilities. The net density, as presented in the proposed subdivision, is the reality of what the built environment can contain by utilizing the small lot development permitted by right in the Medium Density Residential, R-3, Zone.

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 approximately 8.96 acres of vacant land that the applicant plans to subdivide into 56 building lots. Properties to the north are single family dwellings located in a Planned Unit Development. The property to the west is vacant land. The properties to the east are a mix of single family dwellings, newly subdivided building lots, and vacant land. Finally, the properties to the south are single family dwellings. The proposed zone of Medium Density Residential, R-3, Zone is similar in use and type to that of the Planned Unit Development to the north. There are portions of the Planned Unit Development that do have lots with 60 foot widths, and the applicant's proposed subdivision would have lots only slightly smaller. The small lot development standards in many ways mimic those design standards seen in many of the City's existing Planned Unit Developments. The proposed rezone and associated development of the subject property would have a similar look to the adjacent Planned Unit Development.

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. City departments and the Lewiston Orchards Irrigation District (LOID) provided comments. The Fire Department stated; "Access and water supply is to comply with the International Fire Code." The Public Works Department – Engineering Division stated; "No objections to the zone change and comprehensive map update. Developer will follow the Traffic Impact Analysis guidelines to mitigate the traffic effects created by the proposed development. Traffic calming along 18th Street has already been identified as being important to incorporate frontage improvements." LOID sent an email

stating; "The parcel is in the process of being annexed into the LOID for Domestic Only Water Service. There will be a public hearing March 15, 2023 at the COSD's offices. The developer has to construct his water infrastructure to LOID standards, annexation process must be completed and paid for and then the LOID would service this development."

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 subject property is located south of the existing Canyon Crest Estates subdivision and is approximately 8.96 acres of vacant land. The subdivision concept plan for the subject property, submitted as a supplement to the rezone application, contemplates 56 dwelling units on lots ranging in size from 5300 to 6100 square feet. The adjacent Canyon Crest Estates subdivision is a Planned Unit Development (PUD) that, in its original phase, allowed for a minimum lot size of 6,000 square feet. This PUD was amended in 2021 and, as part of those amendments, Small Lot Development (minimum lot size of 4,000 square feet) was allowed as a use by right for up to 50% of the remaining dwelling units. Higher intensity land uses are already planned for this area of the city. The design of the subject property's proposed development will integrate a higher density of homes into the neighborhood without sacrificing the quality of the neighborhood. By utilizing standard zoning instead of Planned Unit Development, the City can also require that streets and intersections meet current city standards.

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: Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. The mailing of a signed and dated copy of this document by the City to the applicant shall constitute compliance with such notice requirement. An applicant denied an application or an affected person aggrieved by a final decision concerning matters identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

An action or ruling by the Planning and Zoning Commission pursuant to the City of Lewiston Zoning Code may be appealed to the Lewiston City Council by the person who initiated the action before the Planning and Zoning Commission or by any person entitled to notice by mail of the action under section 37-184(b)(2) of the City of Lewiston Zoning Code. Such appeal must be filed within fifteen (15) calendar days after the Planning and Zoning Commission has adopted its written Reasoned Statement of Relevant Criteria and Standards. Written notice of the appeal must be filed

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNC23-000002

with the City Clerk within such fifteen (15) day period. If an appeal is not filed and the fee required by section 37-188 of the City of Lewiston Zoning Code is not deposited with the City Clerk within such fifteen (15) day period, the decision of the Planning and Zoning Commission shall be final.

By:

Signature of Planning and Zoning Commission Chair or Vice Chair or Acting Chair

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Specialist

**STAFF USE ONLY**Case Number: CUP23-000002Hearing Date: 3.8.23

Nature of CUP Application: _____

Daycare Center
13+ children**APPLICATION FOR CONDITIONAL USE PERMIT**

(Pre-application meeting strongly encouraged)

Conditional use means a use permitted in a particular zone district upon showing that such use in a specified location will comply with all the conditions and standards as specified in Chapter 37 of the City Code, including any additional conditions of approval recommended by the Planning and Zoning Commission.

Pursuant to Idaho Code Section 67-6512(f), exceptions or waivers of standards, other than use, in the Zoning Chapter may be permitted by the Commission through issuance of a conditional use permit only when the exceptions or waivers of standards are incidental to the conditional use permit being considered by the commission.

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 INFORMATIONFull Name: Hosking Tawnia D Date: 2-8-23
Last First M.I.Address: 1827 Grelle Ave Lewiston
Street Address Apartment/Unit #Lewiston ID 83501
City State ZIP CodePhone: 208-553-8700 Email: ALFHDaycare@outlook.com**OWNERSHIP INFORMATION**Property Owner Name: Matt & Tawnia HoskingPhone: 208-553-8700 Email: ALFHDaycare@outlook.comMailing Address: 1827 Grelle Ave Lewiston ID 83501

PROPERTY INFORMATION

Street Address of Subject Property: 1827 Grells Ave. Lewiston ID 83501

Subdivision Name: Bradley Addition Block: 1 Lot: 2

OR attach the most current deed if not part of a subdivision.

Property Zoning: RH R1

NATURE OF YOUR REQUEST

PLEASE ANSWER THE FOLLOWING QUESTIONS ON A SEPARATE SHEET OF PAPER.

1. Please describe the nature of your conditional use request. You should address pertinent issues, which may include: number of employees, hours of operation, anticipated traffic volume increase, health, safety, compatibility with neighboring land use, site access, on-site traffic flow, off street parking, loading/unloading, pick-up/drop-off, landscaping, and other planned on-site improvements.
2. What public facilities and utilities are available to serve your site? Describe the adequacy to serve the use requested. You should provide specific information regarding water supply, sewage, traffic impacts, stormwater detention and drainage, garbage service and other pertinent utilities and services.
3.
 - a. Will the proposed use result in conditions that will tend to generate nuisances (including but not limited to noise, dust, glare, vibrations, odors and the like) and, if so, how will the nuisances be mitigated?
 - b. Describe how/why the proposed use is a public necessity or, if it is not, describe how it is a benefit to the public.
 - c. Describe how the character of the proposed use, if developed according to the plans as submitted, will be in harmony with the area in which it is to be located.
 - d. Describe how the proposed use will not endanger the environment or the public health or safety.
 - e. Describe how the proposed use will be in substantial conformance with the comprehensive plan of the city.

PLAN INFORMATION

Site plans and floor plans are required. Floor plans shall accurately depict room sizes and uses, as well as doorways, windows, walls, hallways and stairways. Building elevation drawings may also be required, as determined by the City Planner.

Site plans shall include the following:

- ☐ Property lines, including dimensions;
- ☐ Street address or legal description;
- ☐ North arrow and scale;
- ☐ Setbacks between buildings and property lines;

1. The nature of my request is to supply a daycare center for this valley. My daycare is located at 1827 Grelle Ave in Lewiston Idaho. I have been approved for a group daycare 5 years ago and I'm asking the city to consider my request for a center setting to accommodate our city's needs. We are located ½ block from the Camelot elementary school in the Lewiston Orchards. I currently have 28 children enrolled in my daycare. Every day varies on how many children are here and the times. Out of those 28 children 9 of them are before and after school children that attend Camelot elementary. I currently have 6 employees including myself. My hours of operation are 6am to 6pm Monday thru Friday.

As many of you may know there is a large demand for childcare in our valley. I'm asking you to permit me the use of a center daycare so I can continue to serve my families that currently have children enrolled and are expecting as well. Without being able to serve my families that currently have children enrolled here and are expecting means one of the parents will have to quit their job to stay home with their children because currently there is NO daycares within an 80 mile radius that have daycare openings with 16+ months waiting list. I currently have two families that live in Moscow area and work up there that bring their children to me for childcare due to the shortage. The demand for childcare is so large and so in need, going from a group to a center daycare is only benefiting our public and the economy that is hurting for employees. Within the last 30 days, I have turned 8 families away looking for childcare for a total of 12 children needing childcare.

I believe that I have the perfect set up for a center daycare with my home only ½ block from the elementary school, sitting on a flat lot 300 feet off the road with enough parking for 20 cars. My set up is very open concept setting, a large fenced in yard with chain link fence all around the yard. Our house sits on 1.53 acres to accommodate parking for all my daycare families.

2. We are located within the city limits, so we are on city water, LOID irrigation, city sewer and city weekly garbage pickup and recycling. Our electric is through Avista utilities. We have over ½ an acre of just field to allow proper water drainage.

3. A. There will be no more noise than what we have already. We spray for dust twice a year in the summer months to keep it down for the neighbors. We already live in a windy flat, so dust is already generated from beyond our control.

B. It's a public necessity due to the lack of childcares in the valley and the amount of people needing childcare. There isn't a single daycare facility in our valley at the current time with an opening for infant children. The public needs this center setting childcare along with other childcares to accommodate the increasing population of our city.

C. The proposed use of this will be in harmony, just as my current daycare already is. We're not making any changes other than allowing more kids to occupy the same place we currently use now.

D. This will not danger the environment as we are not doing any construction work, or adding or removing and buildings, disturbing grounds, or adding waste. We are located 300 feet from the main roadway not causing any safety factors for public traffic, and our driveway is already inside a school zone, for traffic control.

E. The proposed plan will comply with all current zoning aspects of our property and the city. We are already in conformance and don't plan on building or adding anything new.

- ☐ All building locations, size and uses, labeled as existing and/or proposed;
- ☐ Driveways and parking spaces;
- ☐ Landscaping;
- ☐ Location of garbage dumpsters
- ☐ Other information, as directed by the Community Development Director, necessary to fully explain and describe the nature of the request.

The plans, as approved or modified by the Planning and Zoning Commission, shall be deemed a part of the applicant's conditional use permit and all use and development shall comply with the plans, application and conditions of approval set by the Planning and Zoning Commission, as well as all applicable City Codes. Nothing in a conditional use permit approval shall be interpreted as allowing the owner or applicant variation from current ordinances that were not specifically addressed at the time of conditional use permit approval.

APPLICATION SUBMITTAL AND PROCESSING

Incomplete applications will not be processed.

Application fee must be paid at the time of submittal.

Expect a five to seven working day application review period prior to commitment to schedule the required public hearing. Corrected or additional information may be required after application submittal, based upon application review.

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: _____

Date: 2-8-23

The Property Owner hereby authorizes this application:

Signature of Owner: _____

Date: 2-8-23



THE AREA INSIDE
BLACK BOX IS
NEW GRAVEL

Hosking Holsters
Sporting goods store

PARKING

PARKING

PARKING

PARKING

PARKING

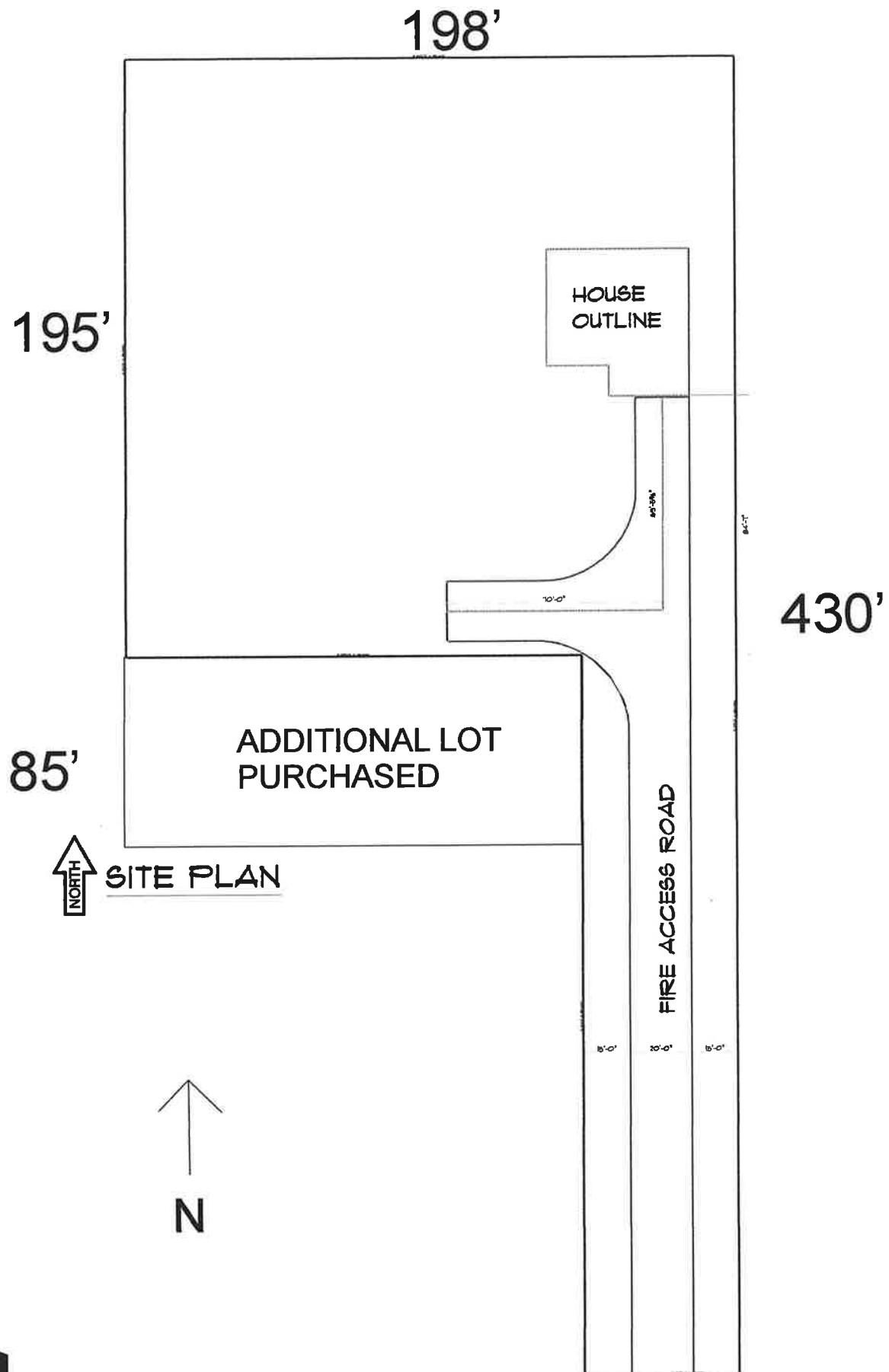
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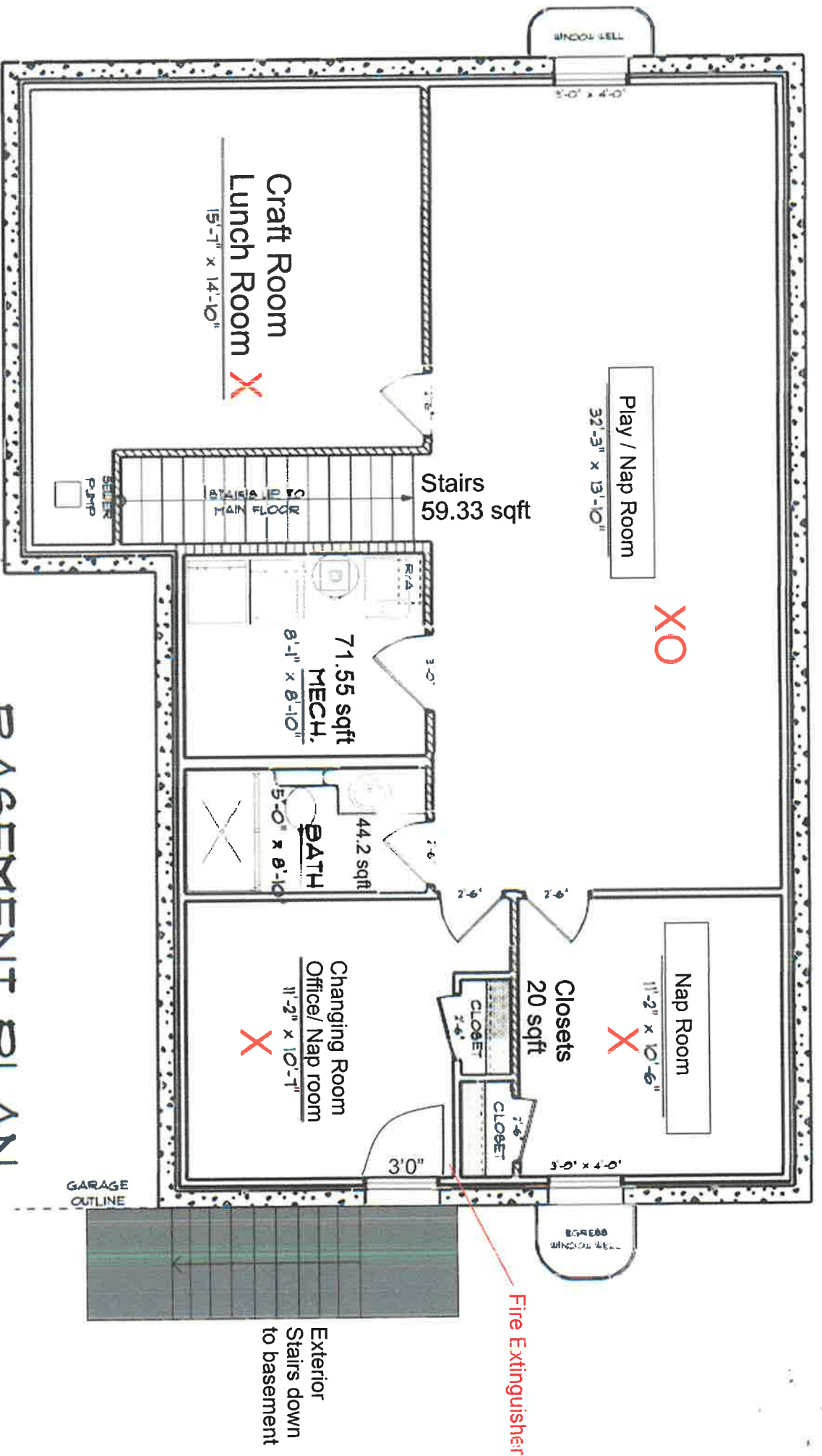
PARKING

PARKING

198'

280'





BASEMENT PLAN

LIVING AREA: 1316 SQ. FT.

X - Smoke detector

XO - Smoke/CO detector

Gross basement square footage = 1316 sqft
 Bathroom square footage is 44.16
 Mechanical room square footage is 71.55
 Stairs square footage is 59.33
 Closets square footage is 20
 Total 190.4 sqft
 Net basement square footage = 1125.6 sq ft
 Daycare = 35 net sqft occupancy rating
 would provide 1125.6/35 = 32.16 which rounds to 33

February 9, 2023

To Whom It May Concern:

I am writing this letter in support of Taunia Hosking and Aunties Little Farmhouse Daycare. Both of my children are newly enrolled in her program as of October 2022 and receive care before/after school and when school is not in session. I have personally known Taunia for over 13 years and jumped at the opportunity to enroll my children in her program. We have an 8-year-old son and 5-year-old daughter who are both students at Camelot Elementary. My husband works at Vista Outdoor with early morning hours starting at 6 am. I commute and work out of town at Gritman Medical Center in Moscow, Idaho. The LC Valley is extremely limited with childcare providers, so I was thankful to find a before and after school option close to our home and within our school district. Taunia has hours that are flexible for parents who work earlier than most and/or commute. The proximity of the daycare to my children's school is a huge benefit. Taunia and her staff can escort both of our children and others to and from school safely each day. Taunia runs an excellent program with structure, safety, and truly treats each child as if they were her own. The scheduled events for the days are organized with the children in mind. The home is kept immaculately clean and you feel the love and caring once you walk in the door.

My husband and I are extremely thankful for Aunties Little Farmhouse Daycare. Taunia's program is second to none and it's so important as working parents to not have to worry about our children getting to/from school and the care they receive. Thank you for your time in reading my letter in support of Taunia Hosking and Aunties Little Farmhouse Daycare.

Sincerely,

Kamas Turcott
3631 18th Street C
Lewiston, ID 83501

9 February, 2023

RE: Aunties Little Farmhouse Daycare

To Whom It May Concern:

I never realized how important and how extremely hard childcare is to come by. Especially in such a small area like the Lewis-Clark Valley. My name is Tanis Bagby and my husband, Brady Bagby, and I are new(er) first time parents (baby number two on the way - due in April). When we relocated back to the area about a year and a half ago, we were TERRIFIED because there was absolutely no one available to care for our baby boy, Brooks. My husband had to stay at home with him as I worked at my full-time job at P1FCU, so we made the decision to move in with my father to make this happen. I felt like daycare wasn't in the cards for us because there was just no availability anywhere! And to this day there are still impossible waiting lists everywhere you call.

I would pray every night that we would figure something out so my husband could pursue his goal of becoming a teacher and we could bring another source of income to the table. Then I met Taunia and Matt, randomly. Not knowing what they do or who they are. As if they were a direct answer to our prayers. I soon learned that Taunia and Matt owned an in-home daycare and had room for my son to attend her daycare part time, and eventually full time. This was phenomenal because my husband was offered a teaching job at All Saints right about the same time.

If you're a parent, you know how hard and painful it is to let go of fear and fully trust someone else to spend every day with your child and keep them safe. Caring for them as if they were their own. To teach them things like sign language, manners, nursery rhymes, and SO much more. This is how Taunia and her staff care for all the children who attend Aunties Little Farmhouse Daycare.

Taunia is more than a business owner, child care provider, etc. She's "Auntie". She's the one who texts updates throughout the day if something is off with your child, recommendations to get them feeling better, or just to share a cute photo/video! She truly cares about all of her "littles" and their families. She is family! I believe all people are created with purpose and this is Taunia's purpose. Caring for our precious children of the LCV. To lose her and Aunties Little Farmhouse would be a devastating loss for my family and so many others.

Thank you for taking the time to read this.

Sincerely,

The Bagby Family

From: Taunia Hosking alfhd daycare@outlook.com
Subject: Re: Recommendation Letter
Date: Feb 10, 2023 at 5:27:15 AM
To: Kael Brink RKBrink@live.com

Thank you.

Taunia
Sent from my iPhone

On Feb 9, 2023, at 10:59 PM, Kael Brink <RKBrink@live.com> wrote:

Dear City of Lewiston Community Development,

"Making the decision to have a child is momentous. It is to decide forever to have your heart go walking outside of your body."

- Elizabeth Stone

My name is Kael Brink, my wife Chelsie Brink and I are writing you in recommendation on behalf of Taunia Hosking, the Auntie's Little Farmhouse staff, and the children they care for. I have worked for Nez Perce County Sheriff's Office since 2011 as a Sheriff's Deputy and now Investigator. My wife Chelsie started working for Maurices in the Lewiston Mall in 2005 as a Sales Associate and has been promoted through the ranks of the company to the position of District Leader. Chelsie and I both were cared for by knowledgeable and nurturing individuals like the ones you would find at Auntie's Little Farmhouse when we were young. We went to elementary schools in the valley, Lincoln Middle School, and then Clarkston High School where we both graduated. We both attended classes at Lewis-Clark State College and Walla Walla Community College. We started our life together in the Lewis Clark Valley in 2009 and were married at Lindsey Creek Vineyards in September of 2016. In reference to the quote above we made the momentous decision to bring a child into this world and did so in January of 2018 when our daughter was born in Lewiston, ID at St. Joseph Regional Medical Center.

I tell you all of this so you can see how invested we are in the Lewis Clark Valley and those within its community. Those within the community like Taunia Hosking, who opened an in-home day care, Auntie's Little Farmhouse. We chose Taunia Hosking to care for our daughter, our heart that walks outside of our bodies. We chose Taunia to be the one to look after her so we could contribute back into our community, the same community that we were raised in. Auntie's Little Farmhouse is a small business that made it through the COVID Pandemic of 2020. I say this as someone who was on the frontlines of this epidemic as Essential Personnel and as such my daughter needed a small business like Aunties Little Farmhouse to go to when I couldn't be with her.

In conclusion, an in-home day care like Auntie's Little Farmhouse provides individual attention that is absolutely necessary when parents are working long hours. I say that as I know Taunia and her staff care deeply for the little ones that are left in their care every day. When my wife or I are getting our daughter ready in the mornings prior to her going to "Auntie's" she excited, she's happy. I say "Auntie's" because it's not "Day Care", Taunia and her staff care for our children like they are their own, because these children that we bring into her home every day are in her heart too, she's their Auntie, Auntie Taunia.

Thank you for your time,

Kael and Chelsie Brink

February 8th, 2023

Dear the City of Lewiston,

My name is Marissa Verduci and I found Auntie's Farmhouse a couple months after I returned to work from being on maternity leave for three months with my second baby (Blakely). The center I was taking Blakely to before Auntie's was failing to meet the staff to children ratio and the care of my child was being sacrificed because of this. This situation is far too common in the childcare industry, more specifically Lewiston Idaho, because of the lack of daycare facilities available. The minute I met Taunia and she gave me a tour of her facility and a description of her staff policy and expectations I felt like I could finally breathe and knew Blakely would be in the best of care while I was at work. I work as a healthcare worker at Nimiipuu Health, located in Lapwai Idaho. I'm also a single mother with no family that lives closer than three hours away. Taunia and her staff have become mine and Blakely's family. Auntie's Little Farmhouse delivers safe and effective childcare, organizes recreational activities, and creates special projects that focus on each child's social development and growth. It's hard to be away from Blakely eight plus hours a day, five days a week, but that's the reality of surviving in this economy and without Auntie's Little Farmhouse many families would face hardships.

For further conversation or questions please feel free to call my cell 509-599-6271.

Thank you,

A handwritten signature in dark ink, appearing to read 'Marissa Verduci', with a stylized, flowing script.

Marissa Verduci & Blakely

Dear City of Lewiston,

I am writing to express my strong support for Aunties Little Farm House Daycare. My wife and I rely on this facility to care for our daughter while we are at work. Although we both work out of town, Jenna at Pullman Hospital and Jason at Hodge & Associates Civil Engineering in Moscow, we are appreciative to leave our daughter in the care of such a wonderful small local business. We are consistently impressed with the level of care and attention that she receives there.

Aunties Little Farm House Daycare provides a safe, nurturing, and educational environment for our child. The staff is incredibly friendly and supportive, and they have made a positive impact on our daughter's life. They have helped her grow and develop in many ways, and we are very grateful for their care.

In addition to the excellent care that our daughter receives, we also appreciate the flexible hours and convenient location of Aunties Little Farm House Daycare. This has allowed us to balance our work and family responsibilities, and we are thankful for that.

We would like to express our deep appreciation for the outstanding care provided by Aunties Little Farm House Daycare. It is a valuable resource for local families like ours, and we are confident that it will continue to make a positive impact on the lives of the children, families, and community it serves.

Sincerely, Jason Crawford & Jenna Quigley

Dear City of Lewiston,

From the moment we met and toured Aunties Little Farm House we knew it was a perfect fit for us. Taunia immediately made us feel like family and showed love towards our daughter as if she was her own. Taunia has a clean and welcoming space for children of all ages. She provides the kids with a safe learning space with plenty of activities inside and outside. She demonstrates amazing communication skills and has resolved any of our scheduling conflicts with professionalism and in a timely manner. We have always felt at ease leaving our daughter in the care of her and her staff. We would highly recommend Aunties Little Farm House to anyone seeking a family feel with child care.

Sincerely,

Katie Brown
Institute of Physical Therapy
678 Southway Ave.

To whom this may concern,

My name is Emily Olson. I work at Two Rivers Family Dentistry in Lewiston, ID. My daughter, Indy Oatman, attends Aunties Little Farmhouse Daycare. She has been under their care since she was 3 months old. I choose to have her cared for here because it's very family oriented. Every staff member treats my daughter like their own. My daughter's safety is extremely important to me and I have no doubt that she is cared for and loved, exactly like she would be at home. Aunties Farmhouse Daycare gives a home-like feel and lets kids socialize with kids of all ages. The biggest reason why I chose an in-home daycare is because of the smaller groups of kids, and because it allows for more one on one time with the caregivers. They also get to grow up and keep relationships with the kids that they started daycare with because turn-over rates are so low. I feel like that consistency is very important for a child's needs.

It's very convenient that Taunia, the owner, offers pre-school at the daycare. It will make it easier when the time comes to register Indy. She will be able to attend it with kids that she has grown up with at the daycare. The flexibility at Aunties Farmhouse works perfectly with my work schedule. Working in dental care isn't your typical 8-5 job. My job has a rotating schedule, but this daycare works with me and allows me to be dependable for my job. I truly do not know what I would do without them. They are trustworthy, consistent, caring, and always ensure that every kid is safely taken care of. My daughter is so excited when I drop her off, and that right now is why I will always advocate and stand by Taunia Hosking and her staff. She goes above and beyond for my daughter and all the kiddos at Aunties Little Farmhouse Daycare.

Thank you,



From: **VandalMoz** mose7606@gmail.com
Subject: **We Support Aunties Little Farm Daycare!**
Date: Feb 8, 2023 at 6:22:08 PM
To: mallori.nelson@vistaoutdoor.com, ALFHDAYCARE@outlook.com

To whom it may concern:

We are the Nelson family. We were truly blessed three years ago when Taunia Hosking accepted our application for our daughter Harper. As first time parents we relied on guidance and advice from friends, family and coworkers. The number one "tip" we were advised was to start our daycare search IMMEDIATELY. At that time there were such things as wait lists. My husband and I were on wait lists for three accredible daycares for 10-12mos. Wait lists where we called monthly to "check in" to "keep our spot" or they just wrote our name down and kept forgetting "which ones" we were because they were bombarded with families in the same position. My husband and I work full time jobs here in Lewiston. As time approached for me to return to work after maternity leave, we had yet to have a daycare in place. The stars aligned just right when my husband met Mrs.Hosking and she just had a kid "graduate" out of daycare. We were in!

Since being accepted into the Aunties Little Farmhouse family, my daughter has thrived. My husband and I are able to go to work knowing she is well taken care of, socializing with others and learning.

If we did not have Aunties Little Farmhouse, I honestly have no idea how we would be able to be contributing members of society. My husband and I could not afford one of us not working to stay home with our daughter and our daughter would not be able to flourish educationally, socially and mentally.

We are expecting our second child in July 2023 and we are running into the same situation as there is absolutely NO daycares and NO wait lists in the valley. We are hopeful that Mrs.Hosking will have a position open for our new little one but unfortunately that means she has to turn away other families. I can only assume by Mrs.Hosking caring nature that it tears her up inside to turn people away.

We are asking you to support Aunties Little Farmhouse Daycare as well as other daycares in the valley. If daycares are going to be impacted by more limitations it will not only impact the kids and young familes but greatly affect the community as parents will not be able to continue to work.

Respectfully,
The Nelsons

To whom this may concern:

I am writing this letter to you in support of Auntie's Little Farmhouse daycare. My son has attended this daycare for almost two years now. Having a daycare that you feel comfortable with and safe for your children is extremely difficult to find. Taunia Hosking and her staff have gone above and beyond to create a clean, caring, and safe environment in which my son can thrive. Auntie's Little Farmhouse works very hard to ensure that they have employees who share the same values and goals in providing the safe and caring environment that all parents want for their children. Please give Aunties' Little Farmhouse daycare the support they need to continue providing a very much-needed service in the Lewis-Clark Valley. The service they provide allows parents like us to continue working and providing other services that support those living in the Lewis-Clark Valley.

Thank you,

Michael & Dezirae Berry
1621 Ripon Ave.
Lewiston, ID 83501
(509)552-3470

February 8, 2023

Lacey Richardson
726 Preston Ave
Lewiston, ID 83501

To Whom It May Concern:

The purpose of this letter is to address the need for child care in the LC Valley, and more specifically Auntie's Little Farmhouse Daycare.

I have been a Lewiston local my whole life: McSorley, Jenifer, LHS, then LCSC. I also have two children ages 3 and 1, one of which goes to Auntie's Little Farmhouse Daycare. Therefore, I feel I am qualified to discuss this topic.

Our three year old daughter started going to Auntie's Little Farmhouse in August of 2022. Before then, she was babysat by my grandma. We were so lucky to have our daughter have family that was able to watch her during her first years, however, my grandma is 73 years old. A toddler is a lot to handle, but even more so at that age. We decided to look for a daycare and were confronted with waitlist after waitlist. Finally, we heard of Auntie's Little Farmhouse from a coworker of mine, and we are so lucky we did, and found Taunia Hosking.

Our daughter loves going to "school". As a working mom, I feel so at ease that my child is well taken care of. I feel that she is safe, loved, and cared for at Auntie's Little Farmhouse. She has learned so much since starting in August.

I work as a full time dental hygienist, and cannot afford to stay home. Without child care, myself or my husband would be forced to stay home and we would take a big financial hit, which would negatively effect our children. I know Taunia will do what is best for our kids because she loves them like her own.

Sincerely,

Lacey Richardson

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 8, 2023 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:

CONDITIONAL USE PERMIT APPLICATION CUP23-000002 BY TAUNIA HOSKING FOR A DAYCARE CENTER, 13 OR MORE CHILDREN, AT 1827 GRELE AVENUE: The applicant requests conditional use permit approval to upsize the existing group daycare operation (care for 12 children maximum) to a Daycare Center, thirteen (13) children or more, on a 1.16 acre lot at 1827 Grelle Avenue, within the Suburban Residential, R1, Zoning District. In the R1 Zone, Daycare Centers are allowed by Conditional Use Permit and subject to the special conditions of section 37-20.1(5) of the Lewiston City Code.

Any person (or persons) 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 2/22/23 and 35 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.

CUP23-000002
Properties within 330' Boundary

OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
BAGLEY, BRIAN &	BAGLEY, AMANDA	PO BOX 874	LEWISTON	ID	83501
BOWDEN, DEBRA &	BOWDEN, STEVEN	1818 CEDAR AVE	LEWISTON	ID	83501
CASH, KENNETH &	CASH, KATHERINE	1833 CEDAR AVE	LEWISTON	ID	83501
CHEZICK, RONALD &	CHEZICK, PHYLLIS	1833 GRELLE AVE	LEWISTON	ID	83501
CUMMINGS, BENNIE &	CUMMINGS, VICKI	1821 CEDAR AVE	LEWISTON	ID	83501
EVANS, KIMBERLY		1836 CEDAR AVE	LEWISTON	ID	83501
FITZSIMMONS, RONALD &	FITZSIMMONS, DELORES	1839 GRELLE AVE	LEWISTON	ID	83501
GILBERTSON, CHAD &	GILBERTSON, NICHELLE	1812 CEDAR AVE	LEWISTON	ID	83501
GOSSAGE, JERRY &	GOSSAGE, LINDA	3313 15TH ST	LEWISTON	ID	83501
HARRIS, JAMES &	HARRIS, FRANCIS	1813 CEDAR AVE	LEWISTON	ID	83501
HOSKING, MATTHEW &	HOSKING, TAUNIA	1827 GRELLE AVE	LEWISTON	ID	83501
JACKSON, TAMMY		PO BOX 5710	KALISPELL	MT	59903
KING, KYLE &	KING, ELIZABETH	3531 18TH ST	LEWISTON	ID	83501
KIRTLEY, WAYNE &	KIRTLEY, GLORIA	1829 GRELLE AVE	LEWISTON	ID	83501
KUNZE LIVING TRUST		3607 18TH STREET C	LEWISTON	ID	83501
LOTT, JACOB &	LOTT, AMANDA	1832 GRELLE AVE	LEWISTON	ID	83501
LOVE, ANTHONY &	LOVE, IRENE	1829 CEDAR AVE	LEWISTON	ID	83501
LUNDVALL, RICHARD		1826 CEDAR AVE	LEWISTON	ID	83501
LYBRAND, GABRIEL &	LYBRAND, ALEXIS	1815 GRELLE AVE	LEWISTON	ID	83501
MATTOON, DANIEL &	MATTOON, JAIMIE	3609 18TH STREET C	LEWISTON	ID	83501
MEAD, ROBERT &	MEAD, PAMELA	1820 GRELLE AVE	LEWISTON	ID	83501
RINEBOLD, JASON		1823 CEDAR AVE	LEWISTON	ID	83501
ROEDER, GORDON		1824 GRELLE AVE	LEWISTON	ID	83501
ROGERS, CLINTON &	ROGERS, TAMARA	1832 CEDAR AVE	LEWISTON	ID	83501
ROGERS, RALPH &	ROGERS, CHARLOTTE	1830 CEDAR AVE	LEWISTON	ID	83501
SAMSEL, HAROLD &	SAMSEL, ALMA	1830 GRELLE AVE	LEWISTON	ID	83501
SMOLINSKI, ALVIN &	SMOLINSKI, NANCY	1834 GRELLE AVE	LEWISTON	ID	83501
STOUT, ROBY &	STOUT, TERIANN	1819 CEDAR AVE	LEWISTON	ID	83501
TERHAAR, NORMAN &	TERHAAR, MYRNA	1822 GRELLE AVE	LEWISTON	ID	83501
WADE WILLIS R TRUST		3608 19TH ST	LEWISTON	ID	83501
WASSMUTH, DARRYL &	WASSMUTH, LORI	1836 GRELLE AVE	LEWISTON	ID	83501
WATKINS, DENNIS &	WATKINS, JOAN	1823 GRELLE AVE	LEWISTON	ID	83501
WATSON, MICHAEL &	WATSON, ELLEN	1822 CEDAR AVE	LEWISTON	ID	83501
WREN, TYLER &	WREN, CINDY	1811 GRELLE AVE	LEWISTON	ID	83501
ZUMWALT, CODEY &	LEWIS, CHARLIE	3603 18TH STREET C	LEWISTON	ID	83501

City of Lewiston





PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 2/27/2023

Case File Number: CUP23-000002

Applicant:

Taunia Hosking
1827 Grelle Avenue
Lewiston, ID 83501

Property Owner:

Matt & Taunia Hosking
1827 Grelle Avenue
Lewiston, ID 83501

Site Location:

1827 Grelle Avenue
Lewiston, ID 83501

Request/Proposal: The applicant requests Conditional Use Permit approval to upsize the existing group daycare operation (care for 12 children maximum) to a Daycare Center, thirteen (13) children or more, on a 1.16 acre lot at 1827 Grelle Avenue, within the Suburban Residential, R1, Zoning District. In the R1 Zone, Daycare Centers are allowed by Conditional Use Permit and subject to the special conditions of section 37-20.1(5) of the Lewiston City Code.

Subject Property and Surrounding Land Uses: Subject property contains a single family dwelling and is on a flag lot approximately 235 feet off of Grelle Avenue. Surround properties are also single family dwellings and Camelot Elementary School is approximately 437 feet to the east at the intersection of Grelle Avenue and 19th Street.

CUP23-000002

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

Sec. 37-3. Definitions.

Conditional use means a use permitted in a particular zone district upon showing that such use in a specified location will comply with all the conditions and standards as specified in this chapter, including any additional conditions of approval, and when approved by the planning and zoning commission.

SUBURBAN RESIDENTIAL ZONE R-1

Sec. 37-18. R-1 Suburban Residential Zone.

(a) *Purpose:* To provide for agricultural or transitional area for suburban residential uses. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 6, 10-25-99)

Sec. 37-19. Uses permitted outright.

In an R-1 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;
- (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) General farming, except feedlots;
- (7) Mortuary, subject to the special conditions of section [37-20.1](#)(1) of this code;
- (8) Park, subject to the special conditions of section [37-20.1](#)(4) of this code;

(9) School, subject to the special conditions of section [37-20.1](#)(3) of this code;

(10) Single-family dwelling;

(11) Two-family dwelling. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 7, 10-25-99; Ord. No. 4385, § 1, 2-14-05; Ord. No. 4398, § 6, 1-9-06; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4675, § 1, 11-28-16)

Sec. 37-20. Conditional uses permitted.

In an R-1 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) Class B manufactured home;

(3) Day care center, subject to the special conditions of section [37-20.1](#)(5) of this code;

(4) Group day care, subject to the special conditions of section [37-13.1](#)(3) of this code;

(5) 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;

(6) Manufactured home park, subject to the requirements of Chapter [23](#) of this code, with a minimum area of two (2) acres and a maximum density of five and eight-tenths (5.8) units per acre;

(7) Noncommercial kennel, subject to commercial kennel standards of section [37-163](#)(15) of this code;

(8) Preschool, subject to the special conditions of section [37-20.1](#)(6) of this code;

(9) 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;

(10) 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;

(11) 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;

(12) 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;

(13) 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. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 8, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4385, § 2, 2-14-05; Ord. No. 4398, § 7, 1-9-06; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4675, § 2, 11-28-16; Ord. No. 4742, § 2E, 8-19-19; Ord. No. 4799, § 2, 3-8-21)

Sec. 37-20.1. Special conditions.



(1) Mortuary.

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Access to the site meets all applicable ordinances.
- (c) The abutting/adjacent properties will not otherwise be adversely affected.
- (d) A site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.
- (e) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(2) Church.

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Access to the site meets all the applicable ordinances.
- (c) The abutting/adjacent properties will not otherwise be adversely affected.
- (d) A church may exceed the height limitations of the zone in which it is located to a maximum of fifty (50) feet, if the total floor area of the building does not exceed one and one-half (1-1/2) times the area of the site and if the yard dimensions in each case are equal to at least two-thirds (2/3) of the height of the principal structure.
- (e) Site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.
- (f) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those

receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(3) *School.*

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Access to the site meets all applicable ordinances.
- (c) The surrounding property will not otherwise be adversely affected.
- (d) Site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.
- (e) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(4) *Park.*

- (a) Site development plan is submitted for review and approval to the Lewiston parks and recreation manager; subsequent development shall be in substantial conformance with the approved development plan.
- (b) The site development plan shall be shown to be in substantial compliance with the park and open space master plan.

(5) *Day care center, thirteen (13) children or over.*

- (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.

(e) Off-street parking and pick-up/drop-off area shall be provided.

(6) *Preschool.*

(a) Approval of a conditional use permit from the planning and zoning commission is required. This requires a public hearing before the planning and zoning commission.

(b) A business license is required, including a criminal history check for all employees, volunteers and people over twelve (12) years of age living on the premises.

(c) Compliance with state regulations, Uniform Building Codes and city standards is required.

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

(e) Parking and access to the site meet all applicable ordinances

(f) The surrounding property will not otherwise be adversely affected. (Ord. No. 4249, § 9, 10-25-99; Ord. No. 4351, § 3, 3-15-04; Ord. No. 4692, § 11, 10-30-17)

Sec. 37-21. Lot size.

 SHARE

In an R-1 Zone, the lot size shall be as follows:

(1) For a single-family dwelling, the minimum lot area shall be ten thousand (10,000) 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 fifteen thousand (15,000) square feet, subject to sections [32-45\(f\)\(1\)](#) and [36-103](#) of this code.

(3) Lot width shall be a minimum of seventy (70) feet.

(4) Lot depth shall be a minimum of one hundred (100) feet. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4381, § 1, 1-24-05; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4676, § 2, 11-28-16)

Sec. 37-22. Yards.

 SHARE

Except as provided in Article VIII, in an R-1 Zone yards 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 ten (10) feet, except that on a corner lot the side yard on the street side 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.

(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 seven thousand five hundred (7,500) 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 twenty (20) feet. In no case shall the minimum width of the zero lot line lot be less than sixty (60) feet nor the depth less than one hundred (100) feet. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-23. Lot coverage. SHARE

Buildings shall not cover more than forty (40) percent of the lot. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-24. Height of buildings. SHARE

In an R-1 Zone, the buildings shall not exceed a height of thirty-five (35) feet. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-25. Reserved. SHARE

Editor's note – Ord. No. 4216, § 1, adopted Aug. 10, 1998, repealed § 37-25, relative to signs permitted in the R-1 Zone, which derived from Ord. No. 4108, § 2, adopted Aug. 15, 1994.

Sec. 37-149. Parking requirements based on land use.

(1) *Residential uses:*

a. One- or two-family dwellings: Two (2) spaces per dwelling unit or one (1) space per bedroom, up to a maximum of four (4), whichever is greater. Multifamily dwellings outside of the central business district: Two (2) spaces per dwelling unit. Multifamily dwellings within the central business district: One (1) space per dwelling unit.

(6) *Commercial:*

c. Day care center: Two (2) spaces, plus one (1) space for every employee on the maximum shift; a paved unobstructed pick up space with adequate stacking area (as determined by the community development director) shall be provided in addition to standard driveway and parking requirements;

Sec. 37-160. Authorization to grant or deny conditional uses. SHARE

(a) Uses designated in this chapter as conditional uses may be permitted upon authorization by the commission in accordance with the standards and procedures established in this article. The commission may impose, in addition to those standards and requirements expressly specified by this chapter, any additional conditions which it considers necessary to protect the best interests of the surrounding property or the city as a whole. Those conditions may include, but are not limited to:

- (1) More restrictive standards than generally required, such as increased lot or yard size, with limitations or increased parking space requirements;
- (2) Minimizing adverse impacts, such as limiting the number, size and location of signs and requiring screening, diking, fencing or landscaping;
- (3) Controlling the timing, sequence, and duration of development;
- (4) Designating the exact location and nature of development and assuring that it is maintained properly;
- (5) Requiring the provision of on-site or off-site public facilities.

(b) Pursuant to Idaho Code Section [67-6512\(f\)](#), exceptions or waivers of standards, other than use, in this chapter may be permitted by the commission through issuance of a conditional use permit only when the exceptions or waivers of standards are incidental to the conditional use permit being considered by the commission.

(c) The commission shall consider the following relevant criteria and standards when considering whether to grant a conditional use permit and/or an exception or waiver of standard that is incidental to a conditional use permit:

- (1) The proposed use (will/will not) result in conditions that will tend to generate nuisances (including but not limited to noise, dust, glare, vibrations, odors and the like) or, if so, that any anticipated nuisances will be appropriately mitigated.
- (2) The proposed use (is/is not) a public necessity (and/but) (is/is not) justified by the applicant and deemed to be of benefit to the public.
- (3) The character of the proposed use, if developed according to the plan as submitted, (will/will not) be in harmony with the area in which it is to be located.
- (4) The proposed use (will/will not) endanger the environment or the public health or safety.
- (5) The proposed use (will/will not) be in substantial conformance with the comprehensive plan.

(d) Any use which is granted and permitted as a conditional use in a particular zone under the terms of this chapter shall be deemed to be a conforming use in said zone. A use existing prior to August 15, 1994, and which is classified in this chapter as a conditional use, shall be considered a conforming use. Any future change or alteration in existing structures shall be permitted outright, provided required permits are obtained and standards complied with. Any change in use shall be subject to the regulations of the zone in which it is located.

(e) Any increase in lot area for a use allowed by conditional use shall require the approval of the planning and zoning commission in the same manner as the original application.

(f) Upon approval by the planning and zoning commission of the findings of fact, conclusions of law and decision, those decisions that create uses that may be transferred with the land shall be filed on record in the office of the Nez Perce County recorder.

(g) Authorization of a conditional use shall be void after twelve (12) months unless:

- (1) A building permit pursuant thereto has been applied for;
- (2) Where no building permit is required, the intent of the conditional use has been fulfilled; or
- (3) Substantial progress towards completion of the project has been accomplished, as determined by the community development director.

(h) The community development director may extend the expiration date of a conditional use permit to six (6) months upon written request of the applicant. The decision to grant or deny the extension shall be based on the following criteria:

- (1) Application for extension is received prior to the expiration date;
- (2) The conditional use remains consistent with the comprehensive plan and conditional uses allowed with the zone;
- (3) The applicant can show progress towards establishing the conditional use;
- (4) The applicant can show that circumstances specific to the conditional use and beyond the applicant's control warrant an extension of time. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4530, § 1, 4-27-09; Ord. No. 4631, § 1, 7-13-15; Ord. No. 4651, § 1, 2-22-16)

Sec. 37-161. Application for a conditional use.



(a) A property owner or his agent may initiate a request for a conditional use or for the modification of an existing conditional use by filing an application with the community development department on forms prescribed in Article XIII. The application shall be submitted at least twenty (20) working days prior to the meeting at which it will be considered. The application for a conditional use shall be accompanied by a site plan drawn neatly and accurately and to an appropriate scale showing at least the following items:

- (1) Property lines;
- (2) Street address or legal description;
- (3) Zoning of the property;
- (4) Setbacks measured from the property lines;
- (5) All building locations, size of buildings and overhangs;
- (6) Driveways and parking spaces;
- (7) Landscaping;
- (8) The size, location and nature of the requested use;

- (9) The location and size of all existing and proposed signs;
- (10) Location of solid waste disposal and collection facilities;
- (11) Other information, as directed by the community development department, necessary to fully explain and describe the nature of the request.

(b) The general site plan, as approved or modified by the commission, shall be made a part of the applicant's file and all construction and development shall comply with the conditions of approval set by the commission as well as all applicable city codes. Nothing in this general site plan approval shall be interpreted as allowing the owner or applicant variation from current ordinances that were not specifically addressed at the time of permit approval. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-162. Public hearing on a conditional use.

Before the commission shall act upon a request for a conditional use, it shall hold a public hearing pursuant to section [37-184](#) of this chapter. (Ord. No. 4108, § 2, 8-15-94)

Comprehensive Plan:

The subject property is located in Neighborhood Number 7, East Orchards, and has a future land use designation of Low Density Residential. Relevant statements from the Comprehensive Plan are as follows.

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-15.0): Maintain the design and functional character of each neighborhood.

LU-15.3: Continually review permitted, conditional and prohibited uses to assure that the mix of uses allowed by the zoning ordinance does not adversely impact residential neighborhoods. Revise zoning ordinance if appropriate.

LU-16.2: Cooperate with the Lewiston School District to maintain community role of schools and facilities within the neighborhoods.

h Desired Futures of Neighborhood Number Seven – East Orchards

1. The plan must consider commercial development for the twenty year planning horizon and include selected commercial activity within this neighborhood.
 - a. Provide locations for small-scale commercial uses at selected locations within the neighborhood to reduce the need for driving and to promote neighborhood identity.

Grelle Avenue is considered a collector street and was not evaluated in the Transportation Chapter of the Comprehensive Plan.

Input From Other Departments/Agencies:

The Fire Department commented; "The facility shall comply with the IFC (International Fire Code).

The Public Works Department, Engineering Division commented; "Ample area for drop off & pick up and parking on private property. Matt & Taunia Hosking understand the importance of pedestrian & motorist safety when accessing their childcare facility. If needed, Public Works Department staff (Main Office # 20-746-1316) are always available to provide guidance & answer development questions."

Analysis:

The subject property is an approximately 1.16 acre flag lot (with an additional attached lot of .29 acres) with a single family dwelling located in the Suburban Residential, R-1, Zoning district. Surrounding properties are primarily single family dwellings and Camelot Elementary school is approximately ½ a block to the east at the intersection of Grelle Avenue and 19th Street. Grelle Avenue is a collector street and does have sidewalk along the north side of the street, adjacent to the subject property. This collector street does experience a good volume of traffic. Higher intensity uses are generally most appropriately located on Collector streets, as opposed to local residential streets.

The home on the subject property is located more than 260 feet from the road and has an already installed fire access road. Given the orientation of the house and outbuildings, there are two large graveled areas available for parking of employees or parents without blocking the fire access road turn around (which is required to remain open). Rough measurements provide an area of approximately 26'x148' south of a large accessory building, which would provide a single row of 8 tandem parking stalls meeting city dimensional standards. There is also an area to the west of the fire access turn around of approximately 3600 square feet that could contain approximately 16 tandem parking spaces. The home itself has a two car garage and a large accessory building with three open bays. The applicant states in her application that she has six (6) employees in addition to herself. Off street parking code for a daycare center requires 2 parking spaces plus 1 per employee on the largest shift. With multiple areas available for employees and parents to park it appears that the applicant easily meets this standard. The subject property is a flag lot which allows for pick up and drop off of children to be completely contained on private property, and given the close proximity to a school speed zone, motorists should be traveling at the lower required speed limit of 20 miles per hour instead of the 35 miles per hour designed for the rest of Grelle Avenue. The lower speed zone should provide a buffer to motorists entering and exiting the subject property.

The Business Licensing Coordinator provided that seven (7) daycares have closed in Lewiston since 1/1/2022. This further compound the need for additional daycare facilities or the expansion of existing facilities. Many daycare facilities in the area have waiting lists with extensive wait times for openings. The City of Lewiston recognizes that reliable child care is a critical resource for working families.

Relevant Criteria and Standards:

1. The proposed use **(will/will not)** result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated.
2. The proposed use **(is/is not)** a public necessity **(and/but)** **(is/is not)** justified by the applicant and deemed to be of benefit to the public.
3. The character of the proposed use, if developed according to the plan as submitted, **(will/will not)** be in harmony with the area in which it is to be located.
4. The proposed use **(will/will not)** endanger the environment or the public health or safety.
5. The proposed use **(will/will not)** be in substantial conformance with the Comprehensive Plan.

Prepared By:

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P.O.Box 617

Lewiston, ID 83501



PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 2/27/2023

Case File Number: CUP23-000002

Applicant:

Taunia Hosking
1827 Grelle Avenue
Lewiston, ID 83501

Property Owner:

Matt & Taunia Hosking
1827 Grelle Avenue
Lewiston, ID 83501

Site Location:

1827 Grelle Avenue
Lewiston, ID 83501

Request/Proposal: The applicant requests Conditional Use Permit approval to upsize the existing group daycare operation (care for 12 children maximum) to a Daycare Center, thirteen (13) children or more, on a 1.16 acre lot at 1827 Grelle Avenue, within the Suburban Residential, R1, Zoning District. In the R1 Zone, Daycare Centers are allowed by Conditional Use Permit and subject to the special conditions of section 37-20.1(5) of the Lewiston City Code.

Subject Property and Surrounding Land Uses: Subject property contains a single family dwelling and is on a flag lot approximately 235 feet off of Grelle Avenue. Surround properties are also single family dwellings and Camelot Elementary School is approximately 437 feet to the east at the intersection of Grelle Avenue and 19th Street.

CUP23-000002

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

Sec. 37-3. Definitions.

Conditional use means a use permitted in a particular zone district upon showing that such use in a specified location will comply with all the conditions and standards as specified in this chapter, including any additional conditions of approval, and when approved by the planning and zoning commission.

SUBURBAN RESIDENTIAL ZONE R-1

Sec. 37-18. R-1 Suburban Residential Zone.

(a) *Purpose:* To provide for agricultural or transitional area for suburban residential uses. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 6, 10-25-99)

Sec. 37-19. Uses permitted outright.

In an R-1 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;
- (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) General farming, except feedlots;
- (7) Mortuary, subject to the special conditions of section [37-20.1](#)(1) of this code;
- (8) Park, subject to the special conditions of section [37-20.1](#)(4) of this code;

(9) School, subject to the special conditions of section [37-20.1](#)(3) of this code;

(10) Single-family dwelling;

(11) Two-family dwelling. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 7, 10-25-99; Ord. No. 4385, § 1, 2-14-05; Ord. No. 4398, § 6, 1-9-06; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4675, § 1, 11-28-16)

Sec. 37-20. Conditional uses permitted.

In an R-1 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) Class B manufactured home;

(3) Day care center, subject to the special conditions of section [37-20.1](#)(5) of this code;

(4) Group day care, subject to the special conditions of section [37-13.1](#)(3) of this code;

(5) 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;

(6) Manufactured home park, subject to the requirements of Chapter [23](#) of this code, with a minimum area of two (2) acres and a maximum density of five and eight-tenths (5.8) units per acre;

(7) Noncommercial kennel, subject to commercial kennel standards of section [37-163](#)(15) of this code;

(8) Preschool, subject to the special conditions of section [37-20.1](#)(6) of this code;

(9) 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;

(10) 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;

(11) 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;

(12) 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;

(13) 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. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 8, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4385, § 2, 2-14-05; Ord. No. 4398, § 7, 1-9-06; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4675, § 2, 11-28-16; Ord. No. 4742, § 2E, 8-19-19; Ord. No. 4799, § 2, 3-8-21)

Sec. 37-20.1. Special conditions.

(1) Mortuary.

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Access to the site meets all applicable ordinances.
- (c) The abutting/adjacent properties will not otherwise be adversely affected.
- (d) A site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.
- (e) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(2) Church.

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Access to the site meets all the applicable ordinances.
- (c) The abutting/adjacent properties will not otherwise be adversely affected.
- (d) A church may exceed the height limitations of the zone in which it is located to a maximum of fifty (50) feet, if the total floor area of the building does not exceed one and one-half (1-1/2) times the area of the site and if the yard dimensions in each case are equal to at least two-thirds (2/3) of the height of the principal structure.
- (e) Site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.
- (f) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those

receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(3) *School.*

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Access to the site meets all applicable ordinances.
- (c) The surrounding property will not otherwise be adversely affected.
- (d) Site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.
- (e) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(4) *Park.*

- (a) Site development plan is submitted for review and approval to the Lewiston parks and recreation manager; subsequent development shall be in substantial conformance with the approved development plan.
- (b) The site development plan shall be shown to be in substantial compliance with the park and open space master plan.

(5) *Day care center, thirteen (13) children or over.*

- (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.

(e) Off-street parking and pick-up/drop-off area shall be provided.

(6) *Preschool.*

(a) Approval of a conditional use permit from the planning and zoning commission is required. This requires a public hearing before the planning and zoning commission.

(b) A business license is required, including a criminal history check for all employees, volunteers and people over twelve (12) years of age living on the premises.

(c) Compliance with state regulations, Uniform Building Codes and city standards is required.

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

(e) Parking and access to the site meet all applicable ordinances.

(f) The surrounding property will not otherwise be adversely affected. (Ord. No. 4249, § 9, 10-25-99; Ord. No. 4351, § 3, 3-15-04; Ord. No. 4692, § 11, 10-30-17)

Sec. 37-21. Lot size.

In an R-1 Zone, the lot size shall be as follows:

(1) For a single-family dwelling, the minimum lot area shall be ten thousand (10,000) 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 fifteen thousand (15,000) square feet, subject to sections [32-45\(f\)\(1\)](#) and [36-103](#) of this code.

(3) Lot width shall be a minimum of seventy (70) feet.

(4) Lot depth shall be a minimum of one hundred (100) feet. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4381, § 1, 1-24-05; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4676, § 2, 11-28-16)

Sec. 37-22. Yards.

Except as provided in Article VIII, in an R-1 Zone yards 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 ten (10) feet, except that on a corner lot the side yard on the street side 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.

(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 seven thousand five hundred (7,500) 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 twenty (20) feet. In no case shall the minimum width of the zero lot line lot be less than sixty (60) feet nor the depth less than one hundred (100) feet. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-23. Lot coverage. SHARE

Buildings shall not cover more than forty (40) percent of the lot. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-24. Height of buildings. SHARE

In an R-1 Zone, the buildings shall not exceed a height of thirty-five (35) feet. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-25. Reserved. SHARE

Editor's note – Ord. No. 4216, § 1, adopted Aug. 10, 1998, repealed § 37-25, relative to signs permitted in the R-1 Zone, which derived from Ord. No. 4108, § 2, adopted Aug. 15, 1994.

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(1) *Residential uses:*

a. One- or two-family dwellings: Two (2) spaces per dwelling unit or one (1) space per bedroom, up to a maximum of four (4), whichever is greater. Multifamily dwellings outside of the central business district: Two (2) spaces per dwelling unit. Multifamily dwellings within the central business district: One (1) space per dwelling unit.

(6) *Commercial:*

c. Day care center: Two (2) spaces, plus one (1) space for every employee on the maximum shift; a paved unobstructed pick up space with adequate stacking area (as determined by the community development director) shall be provided in addition to standard driveway and parking requirements;

Sec. 37-160. Authorization to grant or deny conditional uses. SHARE

(a) Uses designated in this chapter as conditional uses may be permitted upon authorization by the commission in accordance with the standards and procedures established in this article. The commission may impose, in addition to those standards and requirements expressly specified by this chapter, any additional conditions which it considers necessary to protect the best interests of the surrounding property or the city as a whole. Those conditions may include, but are not limited to:

- (1) More restrictive standards than generally required, such as increased lot or yard size, with limitations or increased parking space requirements;
- (2) Minimizing adverse impacts, such as limiting the number, size and location of signs and requiring screening, diking, fencing or landscaping;
- (3) Controlling the timing, sequence, and duration of development;
- (4) Designating the exact location and nature of development and assuring that it is maintained properly;
- (5) Requiring the provision of on-site or off-site public facilities.

(b) Pursuant to Idaho Code Section [67-6512\(f\)](#), exceptions or waivers of standards, other than use, in this chapter may be permitted by the commission through issuance of a conditional use permit only when the exceptions or waivers of standards are incidental to the conditional use permit being considered by the commission.

(c) The commission shall consider the following relevant criteria and standards when considering whether to grant a conditional use permit and/or an exception or waiver of standard that is incidental to a conditional use permit:

- (1) The proposed use (will/will not) result in conditions that will tend to generate nuisances (including but not limited to noise, dust, glare, vibrations, odors and the like) or, if so, that any anticipated nuisances will be appropriately mitigated.
- (2) The proposed use (is/is not) a public necessity (and/but) (is/is not) justified by the applicant and deemed to be of benefit to the public.
- (3) The character of the proposed use, if developed according to the plan as submitted, (will/will not) be in harmony with the area in which it is to be located.
- (4) The proposed use (will/will not) endanger the environment or the public health or safety.
- (5) The proposed use (will/will not) be in substantial conformance with the comprehensive plan.

(d) Any use which is granted and permitted as a conditional use in a particular zone under the terms of this chapter shall be deemed to be a conforming use in said zone. A use existing prior to August 15, 1994, and which is classified in this chapter as a conditional use, shall be considered a conforming use. Any future change or alteration in existing structures shall be permitted outright, provided required permits are obtained and standards complied with. Any change in use shall be subject to the regulations of the zone in which it is located.

(e) Any increase in lot area for a use allowed by conditional use shall require the approval of the planning and zoning commission in the same manner as the original application.

(f) Upon approval by the planning and zoning commission of the findings of fact, conclusions of law and decision, those decisions that create uses that may be transferred with the land shall be filed on record in the office of the Nez Perce County recorder.

(g) Authorization of a conditional use shall be void after twelve (12) months unless:

- (1) A building permit pursuant thereto has been applied for;
- (2) Where no building permit is required, the intent of the conditional use has been fulfilled; or
- (3) Substantial progress towards completion of the project has been accomplished, as determined by the community development director.

(h) The community development director may extend the expiration date of a conditional use permit to six (6) months upon written request of the applicant. The decision to grant or deny the extension shall be based on the following criteria:

- (1) Application for extension is received prior to the expiration date;
- (2) The conditional use remains consistent with the comprehensive plan and conditional uses allowed with the zone;
- (3) The applicant can show progress towards establishing the conditional use;
- (4) The applicant can show that circumstances specific to the conditional use and beyond the applicant's control warrant an extension of time. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4530, § 1, 4-27-09; Ord. No. 4631, § 1, 7-13-15; Ord. No. 4651, § 1, 2-22-16)

Sec. 37-161. Application for a conditional use.



(a) A property owner or his agent may initiate a request for a conditional use or for the modification of an existing conditional use by filing an application with the community development department on forms prescribed in Article XIII. The application shall be submitted at least twenty (20) working days prior to the meeting at which it will be considered. The application for a conditional use shall be accompanied by a site plan drawn neatly and accurately and to an appropriate scale showing at least the following items:

- (1) Property lines;
- (2) Street address or legal description;
- (3) Zoning of the property;
- (4) Setbacks measured from the property lines;
- (5) All building locations, size of buildings and overhangs;
- (6) Driveways and parking spaces;
- (7) Landscaping;
- (8) The size, location and nature of the requested use;

- (9) The location and size of all existing and proposed signs;
- (10) Location of solid waste disposal and collection facilities;
- (11) Other information, as directed by the community development department, necessary to fully explain and describe the nature of the request.

(b) The general site plan, as approved or modified by the commission, shall be made a part of the applicant's file and all construction and development shall comply with the conditions of approval set by the commission as well as all applicable city codes. Nothing in this general site plan approval shall be interpreted as allowing the owner or applicant variation from current ordinances that were not specifically addressed at the time of permit approval. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-162. Public hearing on a conditional use.

Before the commission shall act upon a request for a conditional use, it shall hold a public hearing pursuant to section [37-184](#) of this chapter. (Ord. No. 4108, § 2, 8-15-94)

Comprehensive Plan:

The subject property is located in Neighborhood Number 7, East Orchards, and has a future land use designation of Low Density Residential. Relevant statements from the Comprehensive Plan are as follows.

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-15.0): Maintain the design and functional character of each neighborhood.

LU-15.3: Continually review permitted, conditional and prohibited uses to assure that the mix of uses allowed by the zoning ordinance does not adversely impact residential neighborhoods. Revise zoning ordinance if appropriate.

LU-16.2: Cooperate with the Lewiston School District to maintain community role of schools and facilities within the neighborhoods.

h Desired Futures of Neighborhood Number Seven – East Orchards

1. The plan must consider commercial development for the twenty year planning horizon and include selected commercial activity within this neighborhood.
 - a. Provide locations for small-scale commercial uses at selected locations within the neighborhood to reduce the need for driving and to promote neighborhood identity.

Grelle Avenue is considered a collector street and was not evaluated in the Transportation Chapter of the Comprehensive Plan.

Input From Other Departments/Agencies:

The Fire Department commented; "The facility shall comply with the IFC (International Fire Code).

The Public Works Department, Engineering Division commented; "Ample area for drop off & pick up and parking on private property. Matt & Taunia Hosking understand the importance of pedestrian & motorist safety when accessing their childcare facility. If needed, Public Works Department staff (Main Office # 20-746-1316) are always available to provide guidance & answer development questions."

Analysis:

The subject property is an approximately 1.16 acre flag lot (with an additional attached lot of .29 acres) with a single family dwelling located in the Suburban Residential, R-1, Zoning district. Surrounding properties are primarily single family dwellings and Camelot Elementary school is approximately ½ a block to the east at the intersection of Grelle Avenue and 19th Street. Grelle Avenue is a collector street and does have sidewalk along the north side of the street, adjacent to the subject property. This collector street does experience a good volume of traffic. Higher intensity uses are generally most appropriately located on Collector streets, as opposed to local residential streets.

The home on the subject property is located more than 260 feet from the road and has an already installed fire access road. Given the orientation of the house and outbuildings, there are two large graveled areas available for parking of employees or parents without blocking the fire access road turn around (which is required to remain open). Rough measurements provide an area of approximately 26'x148' south of a large accessory building, which would provide a single row of 8 tandem parking stalls meeting city dimensional standards. There is also an area to the west of the fire access turn around of approximately 3600 square feet that could contain approximately 16 tandem parking spaces. The home itself has a two car garage and a large accessory building with three open bays. The applicant states in her application that she has six (6) employees in addition to herself. Off street parking code for a daycare center requires 2 parking spaces plus 1 per employee on the largest shift. With multiple areas available for employees and parents to park it appears that the applicant easily meets this standard. The subject property is a flag lot which allows for pick up and drop off of children to be completely contained on private property, and given the close proximity to a school speed zone, motorists should be traveling at the lower required speed limit of 20 miles per hour instead of the 35 miles per hour designed for the rest of Grelle Avenue. The lower speed zone should provide a buffer to motorists entering and exiting the subject property.

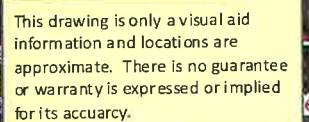
The Business Licensing Coordinator provided that seven (7) daycares have closed in Lewiston since 1/1/2022. This further compound the need for additional daycare facilities or the expansion of existing facilities. Many daycare facilities in the area have waiting lists with extensive wait times for openings. The City of Lewiston recognizes that reliable child care is a critical resource for working families.

Relevant Criteria and Standards:

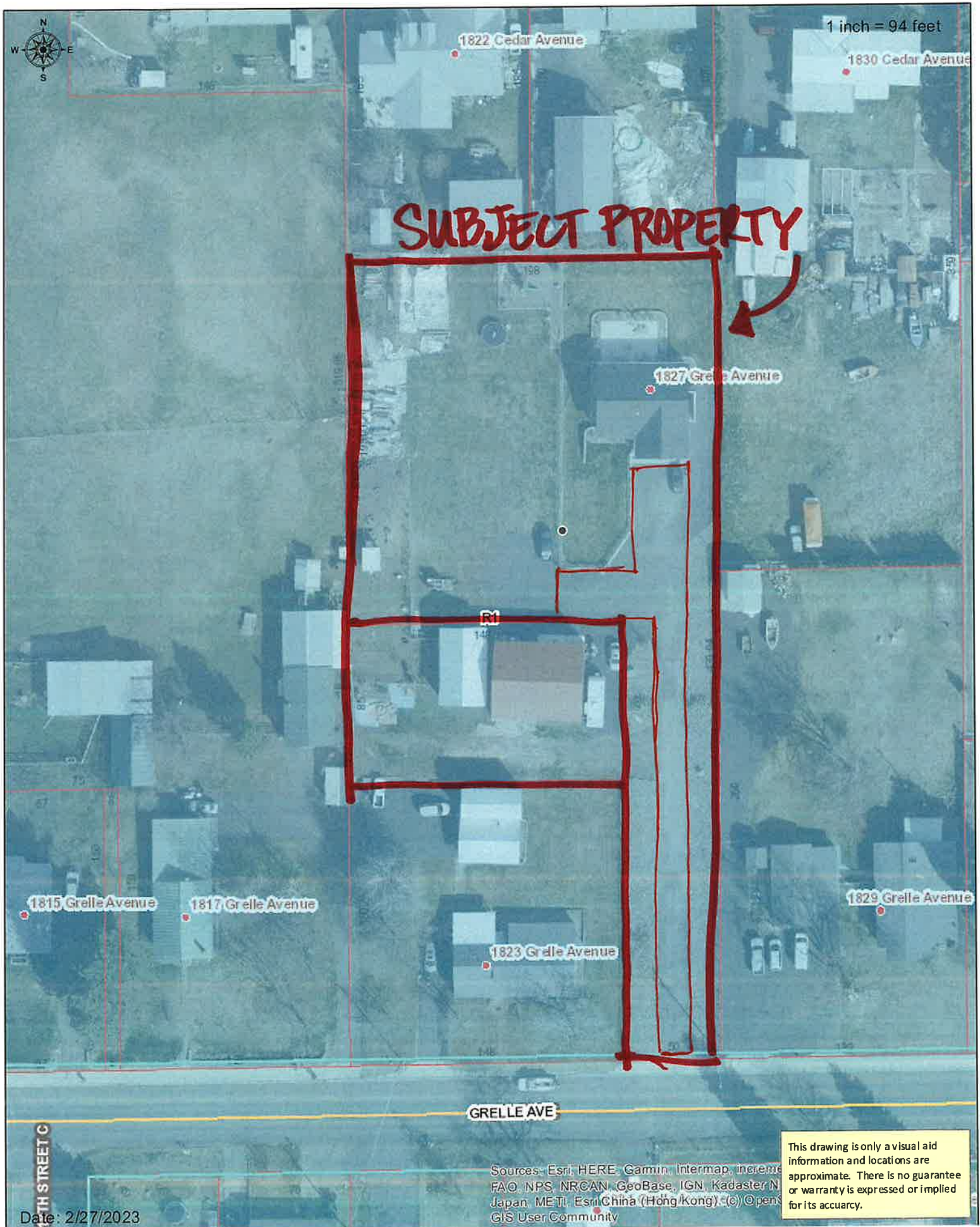
1. The proposed use **(will/will not)** result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated.
2. The proposed use **(is/is not)** a public necessity **(and/but)** **(is/is not)** justified by the applicant and deemed to be of benefit to the public.
3. The character of the proposed use, if developed according to the plan as submitted, **(will/will not)** be in harmony with the area in which it is to be located.
4. The proposed use **(will/will not)** endanger the environment or the public health or safety.
5. The proposed use **(will/will not)** be in substantial conformance with the Comprehensive Plan.

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City of Lewiston





This drawing is only a visual aid information and locations are approximate. There is no guarantee or warranty is expressed or implied for its accuracy.