



Lewiston Planning & Zoning Commission
AMENDED REGULAR MEETING AGENDA
September 25, 2024 - 5:30 PM
Bell Building – Second Floor Conference Room – 215 D Street
Lewiston, Idaho 83501

Seating will be available on a first-come, first-served basis.

I. CALL TO ORDER

II. CITIZENS COMMENTS

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

III. ACTIVE AGENDA

A. APPROVAL OF SEPTEMBER 11, 2024 MEETING MINUTES (ACTION ITEM)

B. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS ON APPLICATION ANX24-2, CPA24-3 AND ZNC24-3 BY CODY MERRELL (ACTION ITEM): The applicant requests that the parcel of land located at 1125/1127 Warner Avenue be removed from the Lewiston Area of City Impact and annexed into Lewiston city limits and that it be assigned a Comprehensive Plan Land Use Designation of Neighborhood Commercial and placed in the Community Commercial, C3, Zoning District and amending the Lewiston Area of City Impact Map accordingly. - Action Item

C. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP24-4 BY SARA BENNETT OF RIVERSIDE RECOVERY (ACTION ITEM): The applicant requests Conditional Use Permit approval for the intensification or expansion of the commercial use legally established commercial use, Riverside Recover, located at 1720 18th Ave. The proposed expansion is to add additional office space to the single-family dwelling located at 1708 18th Ave, immediately adjacent to their existing office, in the Medium Density Residential, R3, Zoning District. - Action Item

D. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR ZONE CHANGE APPLICATION ZNC24-4 BY CHRIS CLARK (ACTION ITEM): An application to rezone the east fifty feet (approximately) of 132 Thain Road from Community Commercial, C-3, to Medium Density Residential, R-3. - Action Item

E. REQUEST FOR RECONSIDERATION OF A FINAL DECISION BY THE PLANNING AND ZONING COMMISSION PURSUANT TO LEWISTON CITY CODE SEC. 37-185(B) OF CONDITIONAL USE PERMIT APPLICATION CUP24-3, AN APPLICATION

**SUBMITTED BY MICHELLE KING AND THE LC VALLEY YOUTH RESOURCE
CENTER FOR A TRANSITIONAL HOUSING VILLAGE FOR YOUNG ADULTS**

IV. STAFF-COMMISSION COMMUNICATIONS

**A. QUERY OF COMMISSIONERS TO ATTEND THE OCTOBER 9, 2024 MEETING
(VARIANCE PUBLIC HEARING).**

V. ADJOURNMENT (ACTION ITEM) - Action Item

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact Nikki Province, ADA Coordinator, at least forty-eight (48) hours in advance of the meeting at 208-746-3671 x 6211.

September 11, 2024

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

I. CALL TO ORDER

COMMISSIONERS PRESENT: Cynthia Ball, Chair; Gabriel Iacoboni, Vice Chair leaving at 9:10 pm; Kathy Branson; Shaunita Cable; Emily Wolf; Maureen Anderson; Kevin Kelly;

COMMISSIONERS EXCUSED: None

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Dawn Ortiz, Community Development Office Supervisor; Jennifer Tengono, City Attorney;

II. CITIZEN COMMENTS

Linda Glines, Lewiston Idaho stated a group of us local residents were at the meeting last week to voice our opposition to the village. We mistakenly were under the impression that the meeting was just to allow parking changes. We did not understand that it was a vote on allowing the next step for the village to become a possible reality. We understand that not having that knowledge is a moot point at this time. That being said, I am addressing the Commission tonight to make this statement a part of the public records. We have concerns about a Commissioner's conflict of interest and discussing the project within the meeting which could have led to the persuasion of other commissioners and their vote, and then also voting on the village project. Gabe Iacoboni has a long-term relationship with Michelle King and her projects. He was treasurer of the LC Valley Adult Resource center the ARC and is a proponent who publicly supports the village project. Due to this involvement, we feel that he should have recused himself from the discussion and the vote on the village. Recusing himself could have changed the outcome of the discussions and the final vote. My questions are legally, should he have declared his involvement and his support for and with Michelle King and her projects, and should he have recused himself from the proceedings involving the project

III. APPROVAL OF AUGUST 28, 2024 MEETING MINUTES (ACTION ITEM)

Commissioner Branson and Anderson moved and seconded, respectively, approval of the August 28, 2024 meeting minutes with corrections. The motion carried 7-0.

IV. **APPROVAL OF THE REASON STATEMENT OF RELEVANT CRITERIA AND STANDARDS ON CONDITIONAL USE PERMIT APPLICATION CUP24-3 FOR A TRANSITIONAL HOUSING VILLAGE (ACTION ITEM)**

Chair Ball called for a recess at 5:35, Planning and Zoning Commission resumed at 5:50 PM.

Commissioner Iacoboni stated he would like to address some of the comments related to the conflict of interest, statement, or allegation. It's probably well known that the housing is an issue that's important to me. So I currently serve on the board of the LC Valley Adult Resource Center. We have currently rebranded to LC Valley Cares. It is also true that on prior issues I have worked with Michelle King on issues. However, LC Valley Cares is an organization that has no financial stake or interest in this application. I have had no contact with Michelle King related to this application in any way. There's been prior analyses done on issues like this when I have served on the board of LC Valley Cares as well, and I don't believe there is a conflict of interest related here. However, I will say Wendy Geiger, who serves as LC Valley Cares board chair, wrote a personal letter in support of the application, but there was no official action taken by LC Valley Cares as a board to officially support that application. So I do not believe there is a conflict of interest here.

Commissioners Wolf and Branson moved and seconded, respectively, to approve the reasoned statement for CUP24-3 as written. The motion carried 7-0.

V. **PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT AND RELEVANT CRITERIA AND STANDARDS ON APPLICATION ANX24-2, CPA24-3 AND ZVC24-3 BY CODY MERRELL (ACTION ITEM)**

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

Staff Hollingshead provided a verbal summary of the staff report with maps and photos so the commission could get geographically familiar with the area. Staff did state the property is in a 1031 exchange and staff is working with that company to get their signature on the application.

Jennifer Tengono stated there is a page in the provided packet that says annexation authority, state Idaho code and Lewiston annexation policy. The Idaho code section that's referenced is not the current section of Idaho code that has been repealed. The reference in the Staff report on page 2 is the current Idaho code section. So that's just a procedural note.

Chair Ball asked if the houses on the property were inhabited.

Staff Hollingshead stated no they are not.

There being no further questions for staff, Chair Ball asked the Applicant for testimony.

Nuri Nemmer with Hodge and Associates, Moscow Idaho stated he does not have anything else at this time but stands for questions.

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

Anna Hegar, 1126 Warner Ave. Asked who the new neighbor is going to be.

Staff Hollingshead stated the applicant is Cody Merrell.

Dawn Ortiz, Community Development Office Supervisor read public comment that was received prior to the meeting.

Virginia James, 1128 Warner Ave stated she is against zoning to commercial, south side of Warner is all residential. Effects value of our homes and will increase the amount traffic coming in and out of the property. Change to C3 is taking residential property and changing it to commercial which is not fair to the neighborhood.

Karl Ziegler owner of 1109 Warner Ave emailed. Karl and Theresa Ziegler (Ziegler's) own the property to the west of 1125/1127 Warner Ave. Ziegler Lumber Co. (Ziggy's) leases the property from the Ziegler's at 1109 Warner Ave. Ziggy's has operated in Lewiston since May of 1981. Ziegler built and leased 1109 Warner Ave to Ziggy's in September 1999 where Ziggy's continues to operate. Ziegler's and Ziggy's have no objection to Cody Merrell's application to be annexed into the Lewiston City Limits.

Commissioner Branson stated that there is a traffic analysis in the staff report.

There being no further public comment or rebuttal from the applicant, Chair Ball closed the Public Hearing.

After deliberation and articulate detailed reasons for the proposed recommendations, Commissioner Anderson and Vice Chair Iacoboni moved and seconded, respectively, to recommend approval of ANX24-2 to City Council. Motion passed 7-0.

Commissioners Anderson and Branson moved and seconded, respectively to amended previous motion to recommend approval of ANX24-2 to City Council condition upon approval of the landowner. Motion passed 7-0.

Vice Chair Iacoboni and Commissioner Anderson moved and seconded, respectively, to recommend approval of CPA24-3 to City Council. Motion passed 7-0.

Commissioners Branson and Kelly moved and seconded, respectively, to direct staff to draft the Reasoned Statement approving ZNC24-03. Motion passed 7-0.

VI. STAFF-COMMISSION COMMUNICATIONS

A. Query of Commissioners for the September 25, 2024 meeting

All Commissioners present stated they should be in attendance of the September 25, 2024 meeting besides Commissioner Wolf.

VII. ADJOURN

There being no further business, Commissioner Kelly and Vice Chair Iacoboni moved and seconded, respectively, to adjourn. The motion carried 7-0 and the Planning and Zoning Commission meeting adjourned at approximately 6:38 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2024.

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

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

I. APPLICATION NUMBER:
ZNC24-3

II. APPLICANT'S NAME AND ADDRESS:
Cody Merrell
1221 Crane Creek Road
Potlatch, Idaho 83855

#916 Pioneer Exchange Accommodation Titleholder, LLC
c/o Pioneer 1031 Co.
1211 W. Myrtle Street #100
Boise, Idaho 83702

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
1125 and 1127 Warner Avenue
Lewiston, Idaho 83501

IV. DATE OF PUBLIC HEARING:
September 11, 2024

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

VI. NATURE OF APPLICATION:
Rezone subject property from Nez Perce County Farm, F-1, Zone to City of Lewiston Community Commercial, C-3, Zone.

VII. DECISION:
The Lewiston Planning and Zoning Commission recommends **APPROVAL of ZNC24-3 WITH THE CONDITION** that the legal property owner consents to the annexation to the Lewiston City Council.

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: Written testimony from Virginia James at 1128 Warner Avenue was received stating that changing the zoning of the subject property would affect the value of the residential homes across the street and increase the amount of traffic on Warner Avenue. The testimony also stated that changing the subject property to a commercial zone was unfair to the neighborhood.

Testimony received indicated that the changes in traffic volume would exceed the roadway's ability to handle such a change if the property changed from Farm uses or a residential use to a commercial use. However, it was noted in the Staff Report that Warner Avenue, the roadway at issue, is a collector road and recent improvements were made at the Warner and 12th Street and Warner and 10th Street intersections with the installation of the new Lewiston High School Campus. Staff provided testimony that the annexation and subsequent zoning of the property would not overburden the roadway as improved.

IX. RELEVANT CRITERIA AND STANDARDS:

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

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

The subject property is an approximately 4.89 acre parcel of land that is an island of county designated property. It has a Nez Perce County zoning designation of Farm, F-1, Zone, and contains two (2) single family dwellings and other accessory buildings. The subject property is surrounded on all four sides by City of Lewiston zoned property. Specifically, Community Commercial, C-3, Zone, on the east, west and north sides, and Low Density Residential, R-2A, Zone on the south side on the other side of Warner Avenue.

The subject property is identified in the Comprehensive Plan as a county enclave in the Area of Impact and states that it may be appropriate for these areas to annex into the City to ensure consistency of services and infrastructure. The Applicant's request to zone the property Community Commercial, C-3, Zone provides consistent zoning to the abutting parcels to the east, west, and north sides.

The Commissioners received testimony from Virginia James, who stated that the change in zoning will negatively affect the value of the homes, increase the amount of traffic coming and going from the area, and is generally "unfair" to the neighborhood. The Staff Report provided to the Commissioners and the public, incorporated herein by reference, information that Warner Avenue was recently improved (see note above in Relevant Contested Facts Relied Upon) to handle more traffic as a result of the development of the new Lewiston High School. The abutting property owner, Carl Ziggler, who owns commercial property abutting the subject

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR ZNC24-3

Page 2 of 6

property did not object to the zoning designation of the subject property. Commissioner Anderson noted that the recent improvements to Warner Avenue, and other improvements made to the surrounding area, would not create any issues concerning the Plan.

Commissioner Branson noted that she believed the following portion of the Staff Report should be incorporated in the Reasoned Statement, which portion is as follows:

The subject property is designated on the Future Land Use Map (FLUM) of the Comprehensive Plan (the Plan) as Area of Impact (AOI) Non-Residential which lists retail & restaurant, personal services, office uses, flex office/warehouse and Industrial and the primary uses. Adjacent lands to the east and the west have a FLUM designation of Neighborhood Commercial, which is primarily intended for low to mid intensity commercial services and to also provide a transition from more intense commercial or industrial uses to less intense and smaller scale residential areas.

Goals, Objectives, and Actions from the Plan that appear to be relevant in consideration of ZNC24-3 include the following:

From Chapter 4, Land Use;

Area of Impact (AOI) Lewiston's AOI is predominantly undeveloped with approximately 65% of land being used for agricultural purposes. Industrial uses are prominent and occupy approximately 15% of the AOI (namely ATK/CCI Spear and Clearwater Paper). These industrial areas are largely along the rivers. Residential uses occupy approximately 13% of land and are generally located in areas farther from the waterfront, particularly in areas in the southeastern portion of the AOI. The remaining 7% is occupied by miscellaneous and exempt uses such as roadways, and institutions. Nez Perce county regulates land use in the AOI. Considerations for new and emerging land uses should be coordinated with Country Partners to address the potential of sizable solar, wind production facilities in current agricultural areas and how they may impact or benefit the environments around them including pollinator and other habitat considerations.

There are several enclaves of the AOI within areas of the city limits. It may be appropriate for these areas to annex or be annexed into the city to ensure consistency of services and infrastructure. New annexations in other contiguous areas of the city limits may be considered as development occurs or is desired, particularly in the southeastern portion of the AOI where many residential uses are present and are expected to continue to grow. Future annexations should consider a variety of factors including: • Alignment with the expected land use patterns, types, and intensities in this Plan. • Availability of adequate services and infrastructure. • Proposed annexation would provide a continual and rational boundary.

LU.1 Accommodate future development and redevelopment.

LU.1.1 Optimize zoning alignments. Align incompatible zoning and land uses and development regulations with the Future Land Use Map to establish consistent and compatible growth patterns.

LU.1.3 Balance land uses. Establish land use patterns that accommodate various land uses in proportion to the needs of the community.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNC24-3

Page 3 of 6

TC.3.2 Improve coordination of land use and transportation planning. Match uses and infrastructure for maximum efficiency and compatibility between land uses and the transportation system.

ED.1 Strengthen Lewiston's role as a regional economic hub.

ED.3 Build on industry strengths while exploring new opportunities.

ED.3.2 Identify and expand existing and potential new industry clusters through the development of an economic development strategic plan. Create an economic development strategic plan that has focus on cluster business recruitment.

ED.4 Continue developing unique places and explore emerging areas for revitalization.

Commissioner Iacobani further highlighted that the Plan envisioned annexing these areas and zoning them appropriately, and therefore supported the determination the proposed zoning classification was in conformance with the Plan.

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

The subject property is surrounded on all four sides by City zoned property. Specifically, Community Commercial, C-3, Zone on the east, west, and north sides and Low Density Residential, R-2A, Zone on the south side across Warner Avenue. Surrounding uses include City of Lewiston owned property to the east containing a water storage facility, public bathrooms, a walking trail and parking lot, with planned future development of fitness courts. Ziggy's Building Supply is immediately to the west, with mini-storage rental businesses farther west along Warner Avenue. The Lewiston High School campus is to the north and there are several single family dwellings to the south on the other side of Warner Avenue. The Lewiston Independent School District #1 and the City of Lewiston also have their bus barn and storage yards to the southeast of the subject property, at the corner of Warner Avenue and 12th Street.

The Commission recognized the concerns of the residential property owners to the south, but agreed that Warner Avenue serves as a clear delineation between the existing commercial zone and the existing residential zone to the south. The Commission agreed that the subject property was better suited to the Community Commercial, C-3, Zone because it was flanked on three sides by Community Commercial, C-3, Zoned land even though it is currently farmland.

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 flanked on three sides by Community Commercial, C-3, zoned property with similar commercial uses to that proposed for the subject property. Surrounding uses include City of Lewiston owned property to the east containing a water storage facility, public bathrooms, walking trail and parking lot, with planned future development of fitness courts. Ziggy's Building Supply immediately to the west, with mini-storage rental businesses farther west along Warner Avenue. The Lewiston High School campus to the north and single family dwellings to the south across Warner Avenue. The Lewiston Independent School District #1

and the City of Lewiston also have their bus barn and storage yards to the southeast of the subject property, at the corner of Warner Avenue and 12th Street.

Staff provided testimony that the permitted uses in the proposed Community Commercial, C-3, Zone include a variety of uses including retail and restaurant, personal services and office with supporting uses such as open space and recreation, commercial entertainment, and storage units. The Community Commercial, C-3, Zone purpose statement provides that it is to provide for development of commercial and service uses designed to serve community wide needs and that the provisions of this zone shall ensure compatibility of design with any adjacent residential development.

Commissioner Anderson noted that the Applicant proposes to use the subject property for storage units (although not guaranteed), which is compatible with existing uses and provides for continuity of uses. She further noted that City services and infrastructure are already in place. Commissioner Branson noted that both City Engineering and City Fire are not opposed to the proposed application. Commissioner Ball also noted that the traffic would likely be similar to what it is now with that proposed use.

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:

The subject property is a county island surrounded by city property. Warner Avenue is designated as a collector road and recent improvements were made at the Warner Avenue and 12th Street and Warner Avenue and 10th Street intersections due to the construction of the new Lewiston High School Campus. The subject property is not on a City bus route and the closest bus stop is on the west side of Than Road at Warner Avenue and Thain Road (Chevron Gas Station).

The Commission agreed that it already had access to City services and the lack of response from political subdivisions, other than City departments, demonstrated that there were no obvious concerns from those political subdivisions in regards to providing services to the subject property. City departments, specifically the Engineering Division of Public Works and the Fire Department, had no objections to the zone change application. Further, Commissioner Anderson noted that the change from residential to commercial uses alleviates any potential issue related to school busing that could occur from increased residential use.

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:

Water and sewer lines are located in Warner Avenue, providing easy access to those City services. Annexation into City limits also provides access to police and fire response services. Further, annexation of the subject property will add it to the City's property tax rolls, which allows the property owner to help support the repair and maintenance of the transportation

roadway that occupants of the subject property already are using as they enter and exit the subject property. Annexation of county encloses is important to provide a continual and rational boundary of City limits.

The Applicant indicated on his application that he intends to build a mini-storage unit complex on the subject property. The Commission discussed the other commercial uses that already exist along this stretch of Warner Avenue and concluded that a mini-storage unit development was of a lesser intensity and density than that of some of the other commercial establishments adjacent to the subject property. Water and sewer services are available in Warner Avenue for the applicant to access without having to extend main line services to reach the subject property. The Commissioners noted that the proposed use of the property was not likely to overburden the existing water and sewer systems.

The Commission also agreed that this parcel coming into the City limits would add to the City tax rolls and such taxes would help to pay for the road infrastructure that is already in place (Warner Avenue) and being utilized by occupants of the subject property. The Commission discussed the development standards required in the Community Commercial, C-3, Zone and agreed that those standards provide further protections and buffering between the subject property and residential properties.

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

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

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

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Office Supervisor

NOTICE OF PUBLIC HEARING

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

Wednesday September 25, 2024 at 5:30 pm.

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

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

Testimony for public hearings may be made: in-person at the meeting, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208) 746-1318 ext 7265 and leaving a message.

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

CONDITIONAL USE PERMIT APPLICATION CUP24-4 BY SARA BENNETT OF RIVERSIDE RECOVERY (ACTION ITEM): The applicant requests Conditional Use Permit approval for the intensification or expansion of a legally established commercial use, Riverside Recovery, located at 1720 18th Ave, in the Medium Density Residential, R3, Zoning District. The proposed expansion is to convert the single-family dwelling located at 1708 18th Ave, immediately adjacent to their existing facility, to expand their recovery services capacity.

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

Hearing notice publication date: September 8, 2024.

NOTICE OF PUBLIC HEARING

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

WEDNESDAY SEPTEMBER 25, 2024 at 5:30 P.M.

COMMUNITY DEVELOPMENT DEPARTMENT BUILDING

2ND FLOOR MEETING ROOM,

215 D STREET LEWISTON, ID 83501

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

Testimony for public hearings may be made: in-person at the meeting, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208) 746-1318 ext 7265 and leaving a message.

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

CONDITIONAL USE PERMIT APPLICATION CUP24-4 BY SARA BENNETT OF RIVERSIDE RECOVERY (ACTION ITEM): The applicant requests Conditional Use Permit approval for the intensification or expansion of a legally established commercial use, Riverside Recovery, located at 1720 18th Ave, in the Medium Density Residential, R3, Zoning District. The proposed expansion is to convert the single-family dwelling located at 1708 18th Ave, immediately adjacent to their existing facility, to expand their recovery services capacity.

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

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

Notice of this public hearing was mailed on September xx, 2024 and 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.

OWNER1	OWNER2	IN_CARE_OF	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
YENNEY HELEN I TRUSTEE	YENNEY REVOCABLE LIVING TRUST		1624 18TH AVE	LEWISTON	ID	83501
JOHNSON-BACHTOLD TINA			1620 18TH AVE	LEWISTON	ID	83501
MALCOM DONNA B			1505 PROSPECT AVE	LEWISTON	ID	83501
LEWIS CLARK EARLY CHILDHOOD	PROGRAM INC		1816 18TH AVE	LEWISTON	ID	83501
MAPLEWOOD CONDOMINIUMS		WHITE RAY J & SONS	1015 F ST	LEWISTON	ID	83501
COLE ROBERT E &	COLE TERESA R		42565 WAHA RD	LEWISTON	ID	83501
VANHORN DONALD TODD			1212 GRELLE AVE	LEWISTON	ID	83501
CRAWFORD CHARLES B			1708 18TH AVE	LEWISTON	ID	83501
SWEARINGEN JORDAN L			1712 18TH ST	LEWISTON	ID	83501
BRADLEY CLARENCE E &	BRADLEY SHARON K		1617 18TH AVE	LEWISTON	ID	83501
ROTH AMANDA			1710 17TH ST	LEWISTON	ID	83501
LEWISTON CENTER EQUITIES LLC			14 STEUBEN LN	JACKSON	NJ	8527
STONE MICHELLE L			1827 17TH ST	LEWISTON	ID	83501
JONES DAVID R JR &	JONES JOY M		1704 18TH ST	LEWISTON	ID	83501
MEDLOCK JEREMY D			1719 17TH ST	LEWISTON	ID	83501
BENNETT RANDALL &	BENNETT SARA		3621 12TH ST	LEWISTON	ID	83501
SCHAFFNER JANETTE L &	ROGERS MICHAEL A		1627 18TH AVE	LEWISTON	ID	83501
ATKINSON PATRICK J			1622 18TH AVE	LEWISTON	ID	83501
CHANDLER RONALD &	CHANDLER CAITLYN		1702 18TH ST	LEWISTON	ID	83501
COLE ROBERT E &	COLE TERESA R		42565 WAHA RD	LEWISTON	ID	83501
JONES DAVID R JR &	JONES JOY M		1704 18TH ST	LEWISTON	ID	83501
MILLER MICHAEL ADAM			1821 17TH ST	LEWISTON	ID	83501
CHOATE LIVING TRUST			1702 18TH AVE	LEWISTON	ID	83501
WINCO FOODS LLC			650 N ARMSTRONG PLACE	BOISE	ID	83704
MGM TRUST	REID CLELAND JR TRUSTEE		1060 FLANNIGAN CREEK RD	VIOLA	ID	83872
MOECKLI NICOLE E &	KOLB MASON A		1621 18TH AVE	LEWISTON	ID	83501
SH&H INC			1711 18TH ST	LEWISTON	ID	83501
BALDECK EUGENE TRUST		LEWIS CLARK PROPERTY MGMT	PO BOX 24	LEWISTON	ID	83501
WOOD NANCY E			1626 18TH AVE	LEWISTON	ID	83501
RIETZ DOUGLAS W ETAL			1616 19TH AVE	LEWISTON	ID	83501
VANDERPAS DEREK &	VANDERPAS KARLIE		PO BOX 1062	LEWISTON	ID	83501

City of Lewiston



**STAFF USE ONLY**

Case Number: CUP24-4
Hearing Date: 9-25-2024
Nature of CUP Application: Intensification or expansion of Commercial use

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 INFORMATION

Full Name: Bennett Sara L. Date: 8-27-24
Last First M.I.

Address: 3621 12th St (Home)
Street Address
Lewiston ID 83501
City State ZIP Code

Phone: 509-295-1445 Email: Sara.Bennett@riversiderecovery.net

OWNERSHIP INFORMATION

Property Owner Name: Dorothy Kasmussen, Personal Representative
Phone: 503-679-3349 Email: dorothy@MonitorCoop.com
Mailing Address: 325905 Morcom Street
Woodburn, OR 97071

PROPERTY INFORMATION

Street Address of Subject Property: 1708 18th Ave. Lewiston ID 83501

Subdivision Name: Maplewood Addition Block: 4 Lot: 1

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

Property Zoning: R3 Medium Density Residential

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: see attached map/plot.
most recent Quit Claim Deed

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

- ☐ All building locations, size and uses, labeled as existing and/or proposed;
- ☐ Driveways and parking spaces; - will be designated at the back of the property
- ☐ Landscaping; to be similar to adjacent 1720 18th Ave
- ☐ Location of garbage dumpsters - dumpsters will be wheeled to alley way for collection
- ☐ 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: 8/28/24

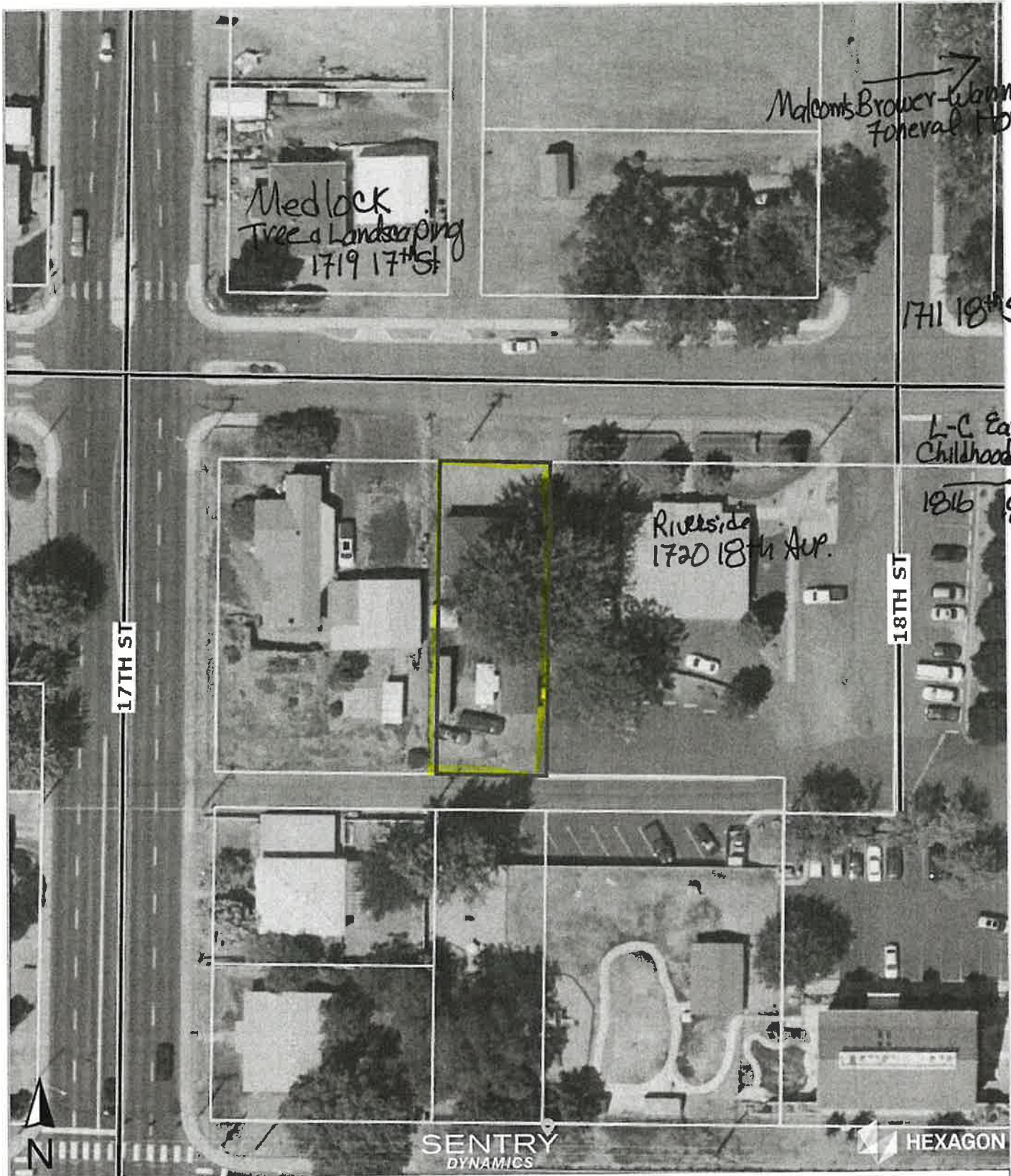
The Property Owner hereby authorizes this application:

Signature of Owner: _____

Date: 8/28/24

Dorothy Rasmussen, Personal Representative

1. The purpose of this Application for Conditional Use Permit is to expand the existing commercial use of Riverside Recovery to the adjacent property at 1708 18th Ave. to our existing building. The house will be used for staff offices. There are 2 upstairs bedrooms, a living room and 1 bedroom downstairs for a potential of 4 offices. No additional employees will be hired. The hours of operation will be the same as Riverside - 8:30 to 5:30, Monday through Friday. Traffic volume is not anticipated to increase. Client parking will be designated at the back of the property. The property will be compatible with the neighborhood by improving the landscaping to resemble our existing building.
2. The house was "home" to the previous owner so public facilities and utilities are available and in use at the site. Those services include water supply, sewage, garbage, and recycling. A stormwater detention and drainage area exist in the alley at the back of the location.
3.
 - a. The proposed use of additional office space will not generate nuisance including noise, dust, glare, vibrations, or odors.
 - b. Additional office space will provide community-member access to Riverside's team of professionals providing mental health and substance abuse counseling.
 - c. Neighbors to the 1708 18th Ave. house include Medlock Tree & Landscaping across the street north; Malcom's Brower-Wann Funeral Home to the northeast; Riverside Recovery next door to the east; L-C Early Childhood Program next to Riverside; and Troy Insurance next to L-C Program. Providing additional counseling space will not disrupt the neighborhood harmony.
 - d. Providing additional office space will not endanger the environment, public health, or safety.
 - e. Proposed use will provide easier to access counseling services in this residential neighborhood.




ALLIANCE
 TITLE & ESCROW

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

676158

QUITCLAIM DEED

THIS INDENTURE made this 4 day of June, 2002, by and between Victoria Lynn Crawford, party of the first part, and Charles B. Crawford, party of the second part, whose address is 1708 18th Avenue, Lewiston, Idaho.

That said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns forever, all of the following described real property situate in Nez Perce County, State of Idaho, to wit:

Lot 1, Block 4, MAPLEWOOD ADDITION to the City of Lewiston, according to the recorded plat thereof, recorded in Book 1 of Plats, page 148, records of Nez Perce County, Idaho.

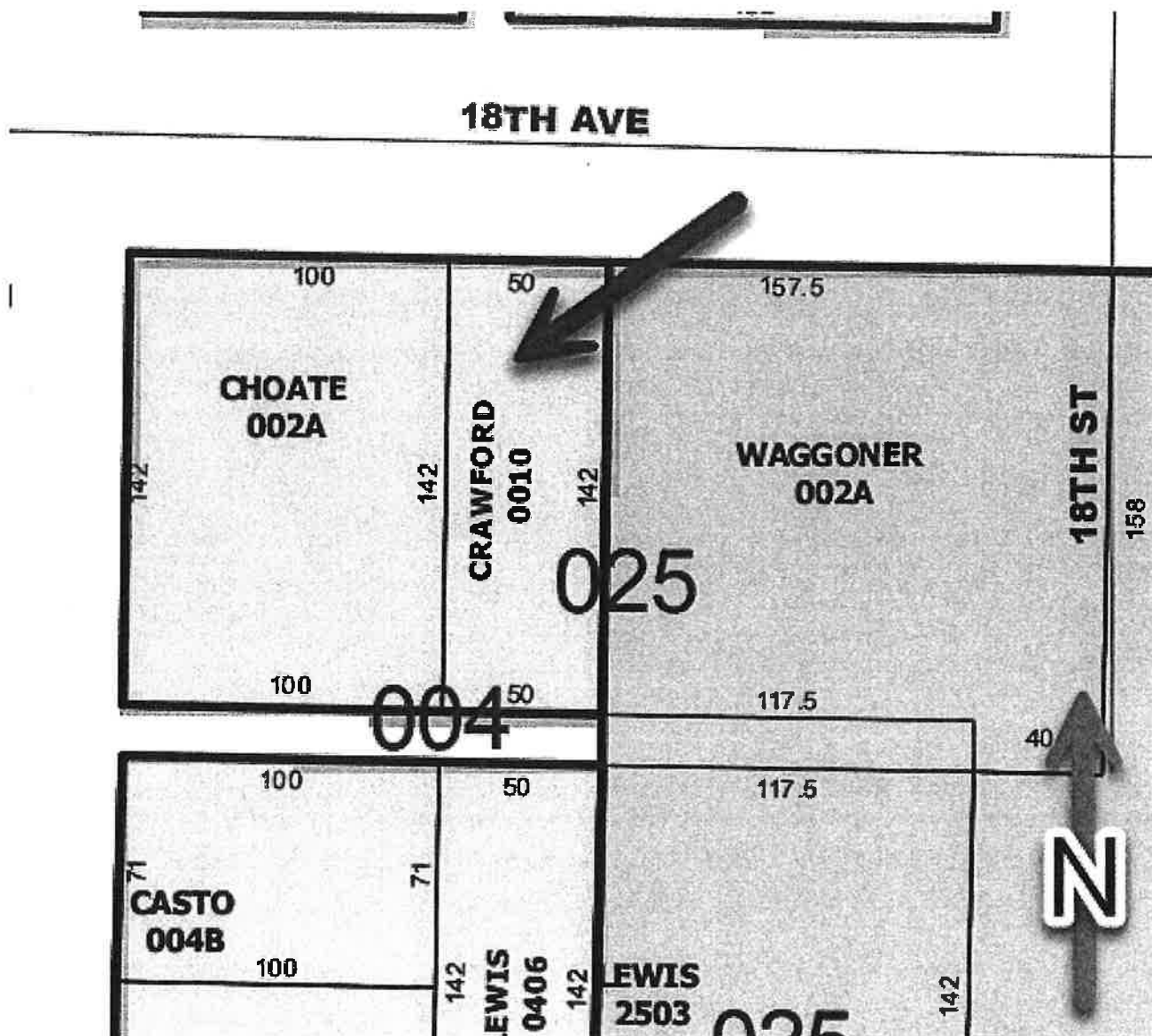
TOGETHER WITH, ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the above-bargained premises together with the appurtenances unto the party of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF, the party of the first part have hereunto set their hand the day and year in this instrument first above written.


VICTORIA LYNN CRAWFORD

INST. NO. 676158
FILED FOR RECORD
FEE 60 REG. BY Randall Blake E.
2002 JUN 14 P 12:12
PATTY O. WEEKS
RECORDER, NEZ PERCE CO. ID
BY P. O. Box 444 Lewiston ID 83501
BY P. O. Box 444 DEPUTY



1708 18th Avenue
Lewiston, ID 83501

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, locations of easements, acreage or other matters shown thereon.

676158

QUITCLAIM DEED

THIS INDENTURE made this 4 day of June, 2002, by and between Victoria Lynn Crawford, party of the first part, and Charles B. Crawford, party of the second part, whose address is 1708 18th Avenue, Lewiston, Idaho.

That said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns forever, all of the following described real property situate in Nez Perce County, State of Idaho, to wit:

Lot 1, Block 4, MAPLEWOOD ADDITION to the City of Lewiston, according to the recorded plat thereof, recorded in Book 1 of Plats, page 148, records of Nez Perce County, Idaho.

TOGETHER WITH, ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the above-bargained premises together with the appurtenances unto the party of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF, the party of the first part have hereunto set their hand the day and year in this instrument first above written.


VICTORIA LYNN CRAWFORD

INST. NO. 676158
FILED FOR RECORD
FEE 60 REG. BY Randall Blake E.
2002 JUN 14 P 12:12
PATTY O. WEEKS
RECORDER, NEZ PERCE CO. ID
BY P. Blake DEPUTY
Cox
PO Box 444
Lewiston ID 83501

STATE OF IDAHO)

: ss.

County of Nez Perce)

On this 4th day of June, 2002, before me, the undersigned, a Notary Public in and for said state, personally appeared Victoria Lynn Crawford, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.



Kristen E. Boyd
Notary Public in and for the
State of Idaho, residing at
Moscow therein.
My Commission Expires: 11-02-07



PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 9/4/2024

Case File Number: CUP24-4

Applicant:

Sara Bennett
3621 12th Street
Lewiston, ID 83501

Property Owner:

Dorothy Rassmussen, Personal Representative
Estate of Charles Crawford
32590 S. Morcom Street
Woodburn, OR 97071

Site Location:

1708 18th Avenue
Lewiston, ID 83501

Request/Proposal: The applicant requests Conditional Use Permit approval for the intensification or expansion of a legally established commercial use, Riverside Recovery, located at 1720 18th Ave, in the Medium Density Residential, R3, Zoning District. The proposed expansion is to convert the single-family dwelling located at 1708 18th Ave, immediately adjacent to their existing facility, to expand their recovery services capacity.

Subject Property and Surrounding Land Uses: The subject property is a 7100 square foot lot containing a single family dwelling and some accessory structures. Properties to the east include the office of Riverside Recovery, The Lewis Clark Early Childhood campus and the office of Troy Insurance. Further east is Rogers Subaru, Deranleau's Appliance and a variety of retail establishments fronting 21st Street. To the north are some single family dwellings and the Malcom's Brower-Wann Funeral Home. The adjacent property to the

CUP24-000004

west is also a single family dwelling, with additional single family dwellings, a small condo complex and the Social Security Office located west across 17th Street. To the north is two single family dwellings, the continuation of the Lewis Clark Early Childhood campus and then Winco Foods and the Lewiston Center Mall across 19th Avenue.

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

DIVISION 8. - MEDIUM DENSITY RESIDENTIAL ZONE R-3

- Sec. 37-42. - R-3 medium density residential zone.

Purpose. To provide land for the development of multifamily dwellings and to provide an orderly transition from more intensive, high density uses to less intensive, lower density uses.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 16, 10-25-99)

- Sec. 37-43. - Uses permitted outright.

In an R-3 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) Intermediate term care facility, subject to the special conditions of [section 37-44.1\(1\)](#) of this Code;
- (7) Long-term care facility, subject to the special conditions of [section 37-44.1\(2\)](#) of this Code;
- (8) Manufactured home park, subject to the provisions of [chapter 23](#) of this Code, with a maximum density of sixteen (16) dwelling units per acre;
- (9) Mortuary, subject to the special conditions of [section 37-20.1\(1\)](#) of this Code;
- (10) Multifamily dwelling, meeting the standards of [section 37-124.1](#) of this Code;
- (11) Park, subject to the special conditions of [section 37-20.1\(4\)](#) of this Code;
- (12) School, subject to the special conditions of [section 37-20.1\(3\)](#) of this Code;
- (13) Single-family dwelling;
- (14) Small lot development subject to the requirements of [section 37-33](#), standards for small lot development;
- (15) Tiny house village, subject to the provisions of [chapter 23](#) of this Code, with a maximum density of sixteen (16) dwelling units per acre;
- (16) Two-family dwelling.

CUP24-000004

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4161, § 5, 7-1-96; Ord. No. 4249, § 17, 10-25-99; Ord. No. 4385, § 7, 2-14-05; Ord. No. 4386, § 2, 2-14-05; Ord. No. 4433, § 4, 1-9-06; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4531, § 4, 7-13-09; Ord. No. 4656, § 10, 3-28-16; Ord. No. 4676, § 14, 11-28-16; [Ord. No. 4841](#), § 8, 11-14-22)

- Sec. 37-44. - Conditional uses permitted.

In an R-3 Zone the following uses and their accessory uses are permitted when authorized in accordance with the standards and requirements in articles IV and IX:

- (1) Repealed by Ord. No. 4742.
 - (2) Day care center, subject to the special conditions of [section 37-20.1](#)(5) of this Code;
 - (3) Dormitory, subject to the special conditions of [section 37-44.1](#) 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 provisions of [chapter 23](#) of this Code, with a density greater than sixteen (16) dwelling units per acre;
 - (7) Noncommercial kennel, subject to the 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 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;
 - (12) 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;
 - (13) Tiny house village, subject to the provisions of [chapter 23](#) of this Code, with a density greater than sixteen (16) dwelling units per acre.
- (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 18, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4385, § 8, 2-14-05; Ord. No. 4386, § 3, 2-14-05; Ord. No. 4531, § 4, 7-13-09; Ord. No. 4742, § 21, 8-19-19; Ord. No. 4799, § 7, 3-8-21; [Ord. No. 4841](#), § 9, 11-14-22)

- Sec. 37-44.1. - Special conditions.

- (1) *Intermediate care facility.*
 - (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.
- (2) *Long-term care facility.*
 - (a) The size of the site is shown to be reasonable for the intended use.

- (b) Parking and access to the site meets all applicable ordinances.
- (c) The surrounding property will not otherwise be adversely affected.
- (3) *Dormitory.*

(a) Dormitories with twelve (12) occupants or more shall have on-site management.

(b) Buildings shall be designed with the following security measures:

1. Interior access to each room;
2. Controlled access beyond the lobby and to individual floors;
3. Manager's name and contact information posted in clear view in the lobby.

(c) Dumpsters shall be located inside the building or placed no closer than fifteen (15) feet from any property line adjacent to residentially zoned property.

(Ord. No. 4249, § 19, 10-25-99; Ord. No. 4386, § 6, 2-14-05)

- Sec. 37-45. - Lot size.

In an R-3 zone, the minimum lot size shall be as follows:

(1) Lot area shall be a minimum of six thousand (6,000) square feet plus an additional two thousand five hundred (2,500) square feet for each dwelling unit over one (1).

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

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

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4531, § 4, 7-13-09; Ord. No. 4676, § 15, 11-28-16)

- Sec. 37-46. - Yards.

Except as provided in article VIII, in an R-3 zone minimum yard requirements shall be as follows:

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

(2) A side yard shall be a minimum of five (5) feet and the total of both side yards shall be a minimum of fifteen (15) feet, except that on corner lots the side yard on the street side shall be a minimum of fifteen (15) feet from the property line or thirty-five (35) feet from the centerline of the street, whichever is greater.

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

(4) Side and rear yards shall be increased by one (1) foot for each foot by which a building exceeds a height of thirty-five (35) feet. A front yard shall be increased by one (1) foot for each two (2) feet by which a building exceeds thirty-five (35) feet.

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

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

- Sec. 37-47. - Lot coverage.

In an R-3 zone, buildings shall not cover more than fifty (50) percent of the lot.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4676, § 17, 11-28-16)

- Sec. 37-48. - Height of buildings.

In an R-3 zone, no building shall exceed a height of forty-five (45) feet.

(Ord. No. 4108, § 2, 8-15-94)

- Sec. 30-12. - Signs in residential zones.

(a) The following signs are authorized in all residential zones without a sign permit:

(1) One (1) temporary sign no larger than six (6) square feet.

(2) One (1) window sign no larger than two (2) square feet in one (1) window on the property or one (1) wall sign no larger than two (2) square feet next to one (1) door on the property. Such window sign or wall sign may be an internally illuminated sign, but shall not be an animated sign.

(3) One (1) temporary sign, no larger than six (6) square feet when the property on which the temporary sign is placed is being offered for sale, lease, or rent. Such temporary sign shall be removed within fifteen (15) days after such property is sold, leased, or rented.

(4) Bench signs, so long as such signs are not visible from the public right-of-way.

Signs authorized by this subsection shall not count toward any limitation on the number or area of signs allowed on a lot, as set forth in this section.

(b) Within a residential zone, a property owner shall secure a sign permit prior to placing any other sign on the owner's property.

(c) Unless otherwise provided, the following regulations apply to all signs within residential zones:

(1) Signs may be internally illuminated signs. If a sign is an internally illuminated sign, the illumination shall be constant and not animated.

(2) Billboards, electronic message centers, roof signs, and wall art displays that include electrical or mechanical components are prohibited.

(3) Signs may be placed anywhere on the property; provided, however, no sign shall be placed in a clear vision area or in an area to be dedicated as public right-of-way.

(4) Bench signs are prohibited in all residential zones, unless such signs are not visible from the public right-of-way.

(5) No sign shall exceed six (6) square feet per dwelling unit; provided, that the total area of all signs located on a lot shall not exceed thirty-two (32) square feet.

(6) A church, a semi-public use, a subdivision, multifamily dwelling, or a manufactured home park may have one (1) ground monument sign per entrance to such church, semi-public use, subdivision, multifamily dwelling, or manufactured home park no larger than thirty-two (32) square feet. Such sign(s) shall not be placed within a clear vision area or in an area to be dedicated as public right-of-way, as determined by the public works director, or designee.

(7) Ground monument signs and freestanding signs shall not exceed six (6) feet in height.

(8) The length of ground monument signs and freestanding signs shall not exceed ten (10) percent of the linear lot street frontage or eighteen (18) feet, whichever is less; provided, however, if the lot is a flag lot, then a ground monument sign or freestanding sign shall not exceed thirty-two (32) square feet and the length requirement set forth above shall not apply.

(9) No more than two (2) signs shall be allowed per lot street frontage.

(d) A property owner who obtains a conditional use permit in a residential zone shall comply with the requirements of this section unless the planning and zoning commission modifies such requirements as part of the conditional use permit. (Ord. No. 4692, § 2, 10-30-17; [Ord. No. 4906](#), § 6, 3-25-24)

ARTICLE IX. - CONDITIONAL USES

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

(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 § 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 designated on the Comprehensive Plan Future Land Use Map (FLUM) as Community Commercial. The Community Commercial designated areas provide mid- to high- intensity commercial uses that attract people from across the community. The most intense uses should be located adjacent to major roadways, particularly near intersections of two major roadways. Uses should decrease in intensity when located farther from major roadways and near less intense residential areas. Inactive uses such as storage and warehousing should be located behind more active commercial uses along streets. Examples of appropriate uses include distribution centers, office and storage facilities, technology and software firms, grocery stores and supermarkets. A copy of the Community Commercial land use designation is attached at the end of this report.

LU.1 Accommodate future development and redevelopment

LU.1.1 Optimize zoning alignments. Align incompatible zoning and land uses and development regulations with the Future Land Use Map to establish consistent and compatible growth patterns.

LU.1.2 Encourage quality development. Streamline processes and regulations for catalyst projects and development that fills gaps in services, provides housing or employment, or meets other community needs.

LU.1.3 Balance land uses. Establish land use patterns that accommodates various land uses in proportion to the needs of the community.

TC.3.2 Improve coordination of land use and transportation planning. Match uses and infrastructure for maximum efficiency and compatibility between land uses and the transportation system.

PSFU.1.3 Bring transit and healthcare together. Establish additional connections for residents with medical needs.

PSFU.2.1 Identify gaps in healthcare services. Partner to identify gaps in care and staffing in the healthcare sector.

PSFU.2.1.1 Collaborate with healthcare and economic development interests to conduct a thorough analysis of gaps in local healthcare services and identify staffing shortages. Engage with stakeholders to develop strategies for addressing identified needs.

CUP24-000004

PSFU.2.1.2 Support healthcare providers to identify underserved areas and establish additional mental health outlets, initiatives, and programs that address the mental health needs.

LAND USE HEALTH AND WELLBEING CONSIDERATIONS

Land use plays a critical role in shaping health and wellbeing. The way land is utilized, whether for residential, commercial, industrial, or recreational purposes, directly influences the daily lives of people in Lewiston. It shapes how people move through the city, how and where we connect with community members, and even what potential hazards people may be exposed to. For instance, mixed-use areas like Downtown incorporate housing, jobs, shops, and services within walking distance reduce the need for car travel, thus decreasing air pollution and promoting active transportation. Conversely, when industrial facilities are placed near residential areas, potential environmental hazards and nuisances can negatively affect health and wellbeing. Access to green spaces, such as parks and the Levee Trail, promote physical activity which has physical and mental health benefits. Land use has far-reaching effects on health and wellbeing beyond just the physical environment. For instance, there are places available for people to meet other community members, it creates more opportunity for social connections, and helps improve social and mental health. By considering these various aspects, planners can improve Lewiston's health and wellbeing in the future.

18th Avenue is classified as a local road. The intersection of 18th Avenue and 17th Street is just one house to the west, with 17th Street classified as a arterial street. The City of Lewiston Transit East Route and West Route intersection at the transit stop on 19th Avenue in front of the Lewiston Center Mall, approximately 2 blocks away from the subject property.

Input From Other Departments/Agencies:

From the Engineering Division of Public Works: "Engineering does not oppose this CUP."

The Fire Department: "Facility shall comply with the requirements of a change of occupancy (from R3 to B) per the IFC and IBC."

Analysis:

The subject property is located in the R3, Medium Density Residential zone and contains a single family dwelling and a few detached accessory buildings. Riverside Recovery, located on the adjacent property at 1720 18th Avenue, has held a business license for that location since 1999. Riverside Recovery offers outpatient mental health and chemical dependency services and support. Riverside Recovery proposes to convert the single family dwelling into office space for its existing employees. The R3 zone allows for expansion of commercial uses exceeding 10% of the building area for those businesses that were legally established and licensed for business occupation through the Conditional Use Permit process.

The subject property is one of only two (2) single family dwellings remaining on the south side of 18th Ave between 17th Street and 21st Street. The single family dwelling at 1822 18th Ave (Troy Insurance) was converted to office space in 2004. This stretch of 18th Avenue is identified in the Comprehensive Plan as having a future land use of Community Commercial with office uses being identified as appropriate. The Comprehensive Plan also identifies that the City should "Identify gaps in healthcare services. Partner to identify gaps in care and staffing in the healthcare sector" (PSFU2.1) and that there should be support for healthcare providers to identify underserved areas and establish additional mental health outlets, initiatives, and programs that address mental health needs (PSFU 2.1.2). Riverside Recovery provides this exact type of programming for our community. Further, the Comprehensive Plan identifies that the City should bring transit and healthcare together (PSFU 1.3). The subject property is just 2 blocks from a transit stop that serves both the East Route and the West Route, allowing citizens or clients who may not have access to personal transportation easier access to the services provided by the applicant.

The applicant states in the application that client parking will be at the back (south) of the property and that no additional staff will be added. Currently Riverside Recovery has a bank of parking along the east side and the south side of 1720 18th Ave. The topography is similar on the south side of the subject property and parking could be extended to the west from 1720 18th Ave onto the subject property. If the number of additional stalls added (5 or more) are deemed a parking lot, parking lot development standards will need to be met. Upgrades to the existing single-family dwelling will be addressed with a building permit for the change of use to a Business occupancy, pending the approval of this application.

Riverside Recovery currently has a monument sign in front of the 1720 18th Ave location. Any additional signage will be subject to the "Signs in residential zone" Sec. 30-12 of City Code.

Relevant Criteria and Standards:

See attached worksheet.

Prepared By:

Katie Hollingshead
(208) 746-1318, ext. 7261
khollingshead@cityoflewiston.org
P.O.Box 617
Lewiston, ID 83501

DOWNTOWN

Description

The vibrant, historic Downtown is the heart of Lewiston. Downtown is characterized by its pedestrian orientation, waterfront location, and density with zero-setback buildings often with very high building to lot area ratio and no off-street parking. It provides a wide range of uses (office, retail, service, residential), and areas for events, entertainment, and public art. Buildings frame the public right-of-way with continuous commercial frontage, creating a comfortable walkable environment.

Examples

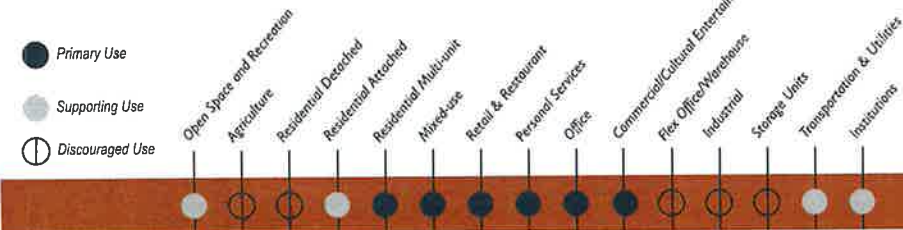
Mixed-use developments, office, apartments, Residential uses above or behind commercial uses, eating and drinking establishments, retail stores, commercial entertainment businesses.

Suggested Residential Density Range

12+ DU/acre

Policy Basis

- | | |
|--------------------------|--------------------------|
| • CC.1 | • ED.1.1 |
| • CC.1.1 | • ED.4 |
| • CC.1.2 | • ED.4.1 |
| • CC.1.4 | • ED.4.2 |
| • CC.3 | • ED.4.3 |
| • CC.3.1 | • H.1 |
| • CC.3.3 | • H.1.1 |
| • LU.1 | • H.1.2 |
| • LU.1.1 | • H.1.3 |
| • LU.1.2 | • H.2 |
| • LU.1.3 | • H.2.2 |
| • LU.2 | • H.3 |
| • LU.2.1 | • H.3.1 |
| • LU.2.2 | • PR.1 |
| • LU.2.3 | • PR.1.3 |
| • TC.2.5 | • PR.2.3 |
| • TC.3.2 | • NH.1 |
| • ED.1 | • NH.1.1 |



COMMUNITY COMMERCIAL

Description

Community Commercial areas provide mid- to high-intensity commercial uses that attract people from across the community. The most intense uses should be located adjacent to major roadways, particularly near intersections of two major roadways. Uses should decrease in intensity when located farther from major roadways and near less intense residential areas. Inactive uses such as storage and warehousing should be located behind more active commercial uses along streets.

Examples

Distribution centers, office and storage facilities, technology and software firms, grocery stores and supermarkets.

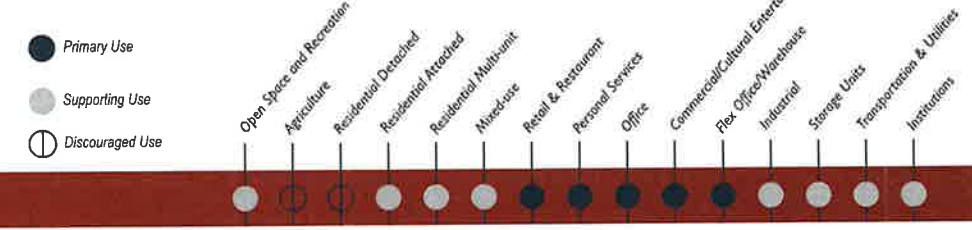
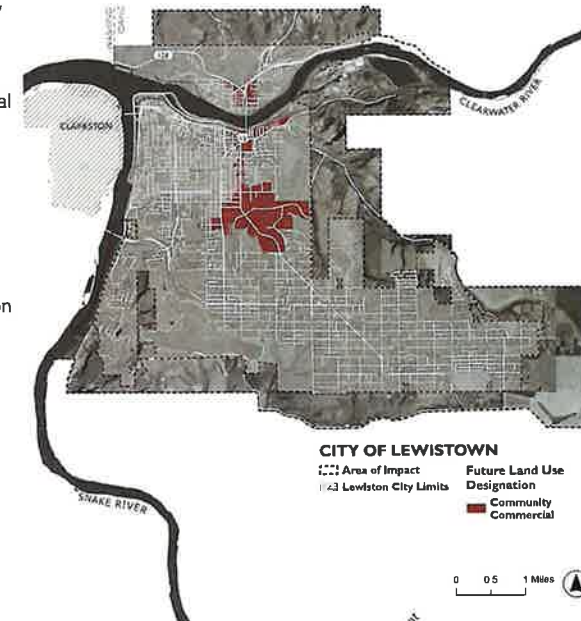
Suggested Residential Density Range

12+ DU/acre can be considered with the following essential considerations:

- **Location:** Commercial uses remain along street frontage. Residential uses should be located above or behind commercial uses.
- **Intensity:** Provides transition in intensity from adjacent uses/zones, provides and appropriate transition in building scale from surrounding uses.
- **Access:** Located on a collector or arterial roadway with adequate access for the proposed use.
- **Infrastructure:** The existing or planned infrastructure is adequate to meet the needs of the proposed use.
- **Compatibility:** The presence of residential would not possibly hinder future commercial uses on adjacent commercial areas. The proposed location is not within the proximity of industrial uses in areas identified for additional industrial uses on the future land use map.

Policy Basis

- | | | |
|--------------------------|--------------------------|--------------------------|
| • CC.3 | • LU.2.2 | • ED.4 |
| • CC.3.1 | • LU.2.3 | • ED.4.2 |
| • LU.1 | • TC.2.5 | • ED.4.3 |
| • LU.1.1 | • TC.3.2 | • H.3 |
| • LU.1.2 | • ED.1 | • H.3.1 |
| • LU.1.3 | • ED.3 | • H.3.2 |
| • LU.2 | • ED.3.1 | • NH.1 |
| • LU.2.1 | • ED.3.2 | • NH.1.1 |



**CITY OF LEWISTON PLANNING AND ZONING COMMISSION
REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR GRANTING OR DENIAL OF CONDITIONAL USE PERMIT**

This document shall serve as memorialization of the rationale for the granting or denial of a Conditional Use Permit, 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:

CUP24-3

II. APPLICANT'S NAME AND ADDRESS:

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:

IV. DATE OF PUBLIC HEARING:

V. NAME OF HEARING BODY:

Lewiston Planning and Zoning Commission

VI. NATURE OF SUBJECT CONDITIONAL USE PERMIT APPLICATION:

VII. DECISION:

The Lewiston Planning and Zoning Commission [APPROVES/DENIES] XXX.

VIII. CONDITIONS OF APPROVAL:

Pursuant to Lewiston City Code § 37-160, the Planning and Zoning Commission may impose conditions upon approval of a conditional use permit. This conditional use permit is subject to the following conditions:

XXX.

IX. TERMINATION OF CONDITIONAL USE PERMIT:

Pursuant to Lewiston City Code § 37-160, authorization of a conditional use permit 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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUP~~xx~~-xxxxxx

Page 1 of 3

(3) Substantial progress towards completion of the project has been accomplished, as determined by the community development director.

X. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

XI. RELEVANT CRITERIA AND STANDARDS:

The following relevant criteria, standards, facts, and considerations are hereby declared as reasons for the decision on this conditional use permit:

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. Applicable commentary:
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. Applicable commentary:
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. Applicable commentary:
4. The proposed use **(will/will not)** endanger the environment or the public health or safety. Applicable commentary:
5. The proposed use **(will/will not)** be in substantial conformance with the Comprehensive Plan. Applicable commentary:
6. Pursuant to Idaho Code § 67-6512, the conditional use permit may be granted subject to the ability of political subdivisions, including school districts, to provide services for the proposed use. Applicable commentary:

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

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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR CUP~~xx-xxxxxx~~

Page 2 of 3

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 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: _____
Tanya Brocke, Community Development Specialist

NOTICE OF PUBLIC HEARING

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

Wednesday September 25, 2024 at 5:30 pm.

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

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

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

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

ZONE CHANGE APPLICATION ZNC24-4 BY CHRIS CLARK FOR 132 THAIN ROAD: An application to rezone the east fifty feet (approximately) of 132 Thain Road from Community Commercial, C-3, to Medium Density Residential, R-3.

FOR FURTHER INFORMATION AND TO SUBMIT TESTIMONY, contact the Community Development Department at (208) 746-1318, ext. 7202.

Hearing notice publication date: September 8, 2024.

NOTICE OF PUBLIC HEARING

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

WEDNESDAY SEPTEMBER 25, 2024 at 5:30 P.M.
COMMUNITY DEVELOPMENT DEPARTMENT BUILDING
2ND FLOOR MEETING ROOM,
215 D STREET LEWISTON, ID 83501

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

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

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

ZONE CHANGE APPLICATION ZNC24-4 BY CHRIS CLARK FOR 132 THAIN ROAD: An application to rezone the east fifty feet (approximately) of 132 Thain Road from Community Commercial, C-3, to Medium Density Residential, R-3.

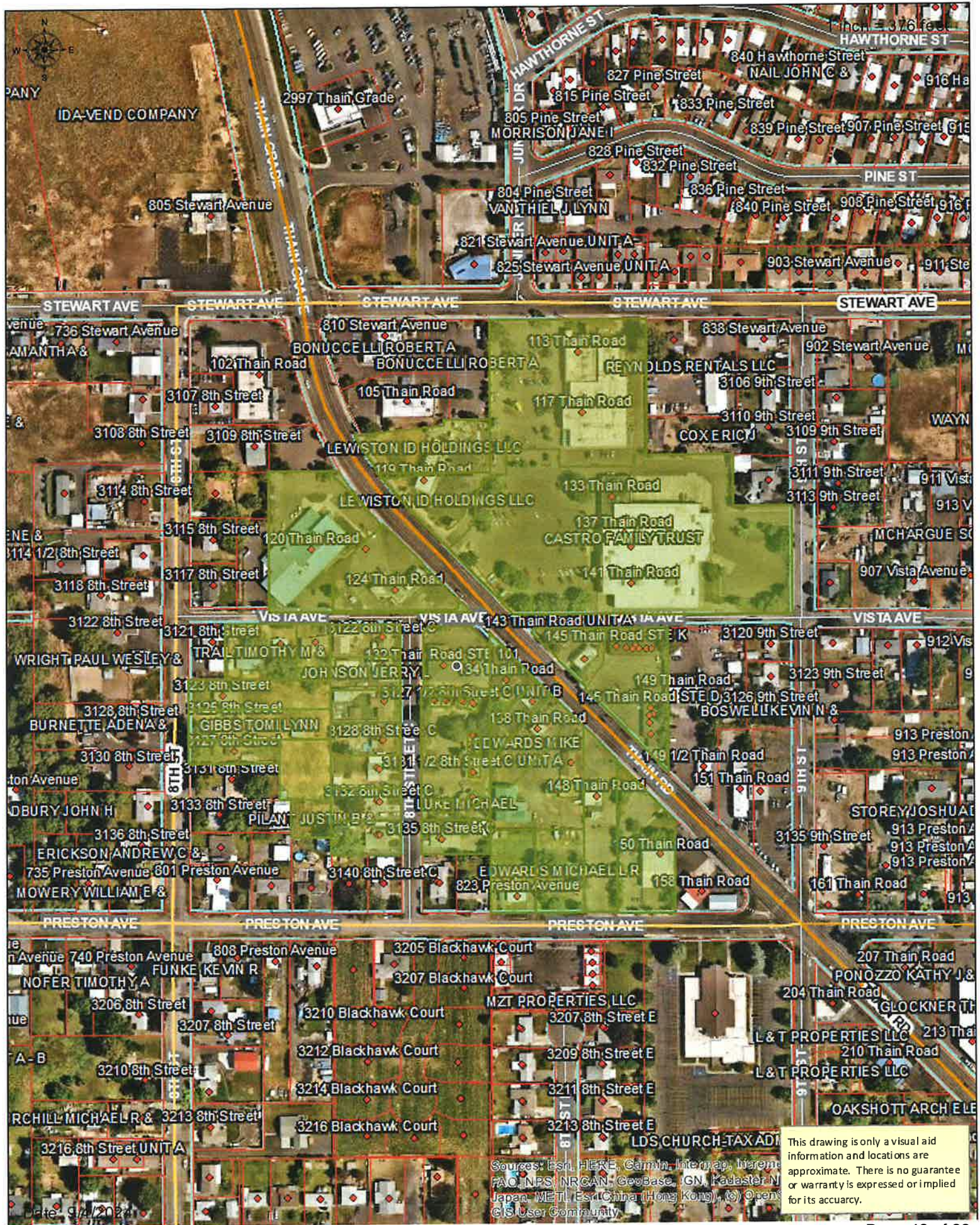
Any person (or persons) aggrieved, may support or oppose the Applicant's request. Persons receiving this notice are encouraged to provide testimony/comment.

For further information on the above zoning action, the public hearing process, or appeal process, please contact the Community Development Department at (208) 746-1318, ext. 7202 or jplaskon@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 **September 6, 2024** and **54** persons were noticed.

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

City of Lewiston



OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
TAYLOR JUD R		PO BOX 1630	LEWISTON	ID	83501
SHRUM MARILYN		3123 8TH ST	LEWISTON	ID	83501
WINE GUYS INVESTMENTS LLC		601 W MAIN AVE STE 400	SPOKANE	WA	99201
LEWISTON ID HOLDINGS LLC		PO BOX 8609	FLEMING ISLAND	FL	32006
HELFRICH CODY M &	HELFRICH TRISHA RAE	3132 8TH STREET C	LEWISTON	ID	83501
DEMPSEY KIMBERLY SUE		3134 8TH STREET C	LEWISTON	ID	83501
GIBBS TOMI LYNN		3125 8TH ST	LEWISTON	ID	83501
STAAB STEPHEN D &	STAAB CATHERINE M	12813 VISTA AVE	OROFINO	ID	83544
LUKE MICHAEL		3133 1/2 8TH STREET C UNIT A	LEWISTON	ID	83501
JONES RYAN &	JONES MICHELLE	3126 8TH STREET C	LEWISTON	ID	83501
EDWARDS MICHAEL L R		140 THAIN RD	LEWISTON	ID	83501
WATSON BRETTON S		1228 11TH AVE	LEWISTON	ID	83501
PILANT JUSTIN B &	PILANT TATIANA R	809 PRESTON AVE	LEWISTON	ID	83501
LEWISTON ID HOLDINGS LLC		PO BOX 8609	FLEMING ISLAND	FL	32006
JOSHNIK LLLP		3184 ELDER ST	BOISE	ID	83705
GOSSELIN JOHN		3122 8TH STREET C	LEWISTON	ID	83501
WOOD ROY &	WOOD JUDITH	823 PRESTON AVE	LEWISTON	ID	83501
EDWARDS MICHAEL L R		140 THAIN RD	LEWISTON	ID	83501
ALLEN RICHARD M &	ALLEN SHERI L	566 CRESTLINE CIRCLE DR	LEWISTON	ID	83501
EDWARDS MICHAEL L R		140 THAIN RD	LEWISTON	ID	83501
COSTA JOEL T &	COSTA BETHANY J	3135 8TH STREET C	LEWISTON	ID	83501
COVERT CHRISTOPHER T		3129 1/2 8TH STREET C UNIT A	LEWISTON	ID	83501
THAIN PROPERTIES L L C		651 THAIN RD STE B	LEWISTON	ID	83501
MCFADDEN JUDITH L L C		24013 J PLACE	OCEAN PARK	WA	98640
BURMAN TYSON D &	BURMAN ASHLEY N	3633 18TH ST	LEWISTON	ID	83501
BALDUS ANGELA R		PO BOX 1366	ROYAL CITY	WA	99357
KIMBERLYNN PROPERTIES LLC		1114 RED ROCK RD	KAMIAH	ID	83536
TRAIL TIMOTHY M &	TRAIL RHONDA L	806 VISTA AVE	LEWISTON	ID	83501
WASHBURN MERLE D		3130 8TH STREET C	LEWISTON	ID	83501
LEWISTON ID HOLDINGS LLC		PO BOX 8609	FLEMING ISLAND	FL	32006
KEENER ERIC H &	KEENER KRISTINA K	3128 8TH STREET C	LEWISTON	ID	83501
EDWARDS MIKE		138 THAIN RD	LEWISTON	ID	83501
BROLIER VIRGINIA S		810 VISTA AVE	LEWISTON	ID	83501
KING REVOCABLE FAMILY TRUST	KING KEVIN ALAN &	10845 VALLE VISTA RD	LAKE SIDE	CA	92040
MBI LLC &	SMOKEY POINT NW LLC &	204 N DIVISION ST STE 200	SPOKANE	WA	99202
LEWISTON ID HOLDINGS LLC		PO BOX 8609	FLEMING ISLAND	FL	32006
CLC SALES INC		PO BOX 1424	PULLMAN	WA	99163
GIBBS TOMI LYNN		3125 8TH ST	LEWISTON	ID	83501
JOHNSON JERRY L		3124 8TH STREET C	LEWISTON	ID	83501
SWALL MARK A &	SWALL LORI L 2010 TRUST &	18002 MAP ROCK RD	CALDWELL	ID	83607
FLEETWOOD CORY A &	FLEETWOOD SYDNEY S	3133 8TH STREET C UNIT A	LEWISTON	ID	83501
PENTZER JED LEE		3129 1/2 8TH STREET C UNIT B	LEWISTON	ID	83501
CASTRO FAMILY TRUST	CASTRO DAVID M &	250 S 5TH ST FL 2 STE 200	BOISE	ID	83702
KERNIN HEATHER PAIGE		3133 1/2 8TH STREET C UNIT B	LEWISTON	ID	83501
MCFADDEN JUDITH L L C		24013 J PLACE	OCEAN PARK	WA	98640



STAFF USE ONLY	
Case Number:	<u>ZNC24-4</u>
Hearing Date:	<u>9/25/24</u>

APPLICATION FOR ZONE CHANGE

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

APPLICANT INFORMATION

Full Name: Clark, Chris Date: 15 Aug 2024
Last First M.I.

Address: 1610 NE Wheatland Drive
Street Address Apartment/Unit #

Pullman, WA 99163
City State ZIP Code

Phone: 509-432-8222 Email: cclark@windermere.com

Property Owner: CLC Sales Phone: 509-432-8222

Property Owner Mailing Address: Pullman, WA 99163

DESCRIPTION OF PROPERTY

Street Address of Subject Property: 132 Thain Road, Lewiston, Idaho 83501

Subdivision Name: N.A.

Block: N.A. Lot: N.A.

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

NATURE OF REQUEST

Change **FROM** Zone District: C3 **TO** Zone District: R3

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

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

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

The C-3 zoned property is on a boundary between zones R3 to the South and the R2A zone to the West. Extending the R3 zone to the North will help provide needed residential apartments and have very similar plan goals of adjacent properties. The property will combine the very best of all the zones proposed.

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

The building was designed as to be office and retail; however, only a portion of the building has been occupied as office. Since there is an abundance of office and retail space, the East part of the building has remained unfinished since 2003. The parking requirements have changed and the building would not meet the parking requirements for its use. By changing to an R3 use parcel will be in compliance with current parking regulations.

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

With approval of this zone change the backyard of the units will be adjacent to the backyard of the apartments to the South. The inclusion of these two apartments will not require re-working of the existing parking lot and the majority of the work will take place inside the current shell of the building minimizing construction time.

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

The residential use will generate less parking load and would be similar to a retail or office facility in terms of power, water and sewer requirements. We are thinking that the apartments would be well suited to individuals or couples seeking a more urban type of living with the proximity of local restaurants within walking distances.

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

The addition of the two apartments will reduce parking requirements and thus reduce traffic to and from the site as compared to a full build-out with a retail or office use.

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

N/A

APPLICANT'S CERTIFICATION

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

Signature: _____

Date: 29 AUG 2024

The Property Owner hereby authorizes this application:

Signature: _____

Date: 8-30-2024

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

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

APPLICATION PROCESS

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

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

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

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

APPLICANT'S CHECKLIST

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

132 THAIN ROAD

Legal Description:

**LEWISTON ORCHARDS:
E168.06' OF N151' 6 2
(EXC #9030-DEEDED TO CITY FOR
ROW)**

Document Reference:

**WD 857950
DEED832712
QCD 682902
WD 657859
WD 632635**



Add Apartments to Office Building

132 Thain Road



Add Apartments to Office Building

132 Thain Road

Zoning C3

PRIOR PERMIT

PARKING (22 STALL PROVIDED)

Existing Office Area: 2,989 SF/250 =11.9

Exist Retail Area: 3,850 SF/400=9.6

Zoning C3 & R3

PROPOSED

PARKING (22 STALLS)

Proposed Office Area: 4,757 SF/250=19

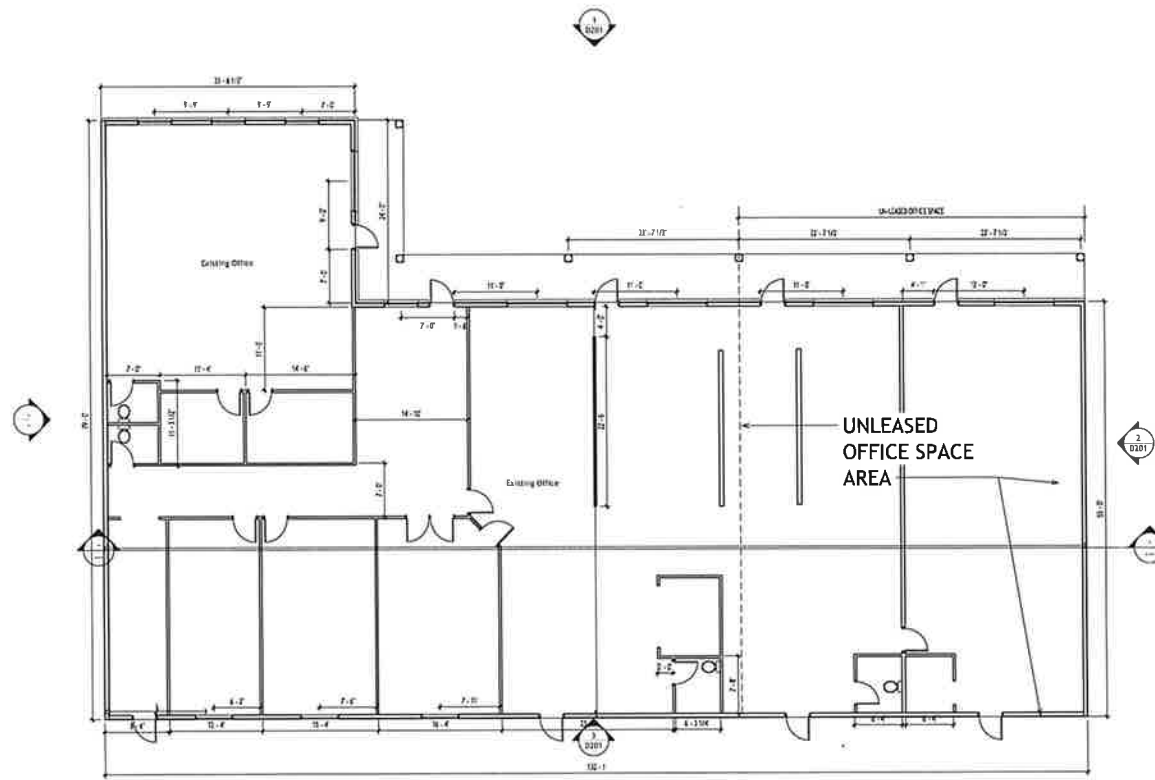
Proposed Residential Area: 2,657 SF

One space per bedroom (3)

Proposed Hallway Circulation: 546 SF

8/29/2024
 10:38 AM

① Existing Floor Plan
 1/8" = 1'-0"



**BROTNOV
 ARCHITECTURE
 & PLANNING**

100 N. 100 E. Ste. 100
 P.O. Box 100, Idaho Falls, ID 83401
 Tel: (208) 728-4272
 Fax: (208) 728-4273

DATE

ARCHITECT

DATE

CONSULTANTS

LICENSED
 ARCHITECT
 AR-2280
 L. BROTONOV
 (STATE OF IDAHO)

4054

APARTMENT ADDITION
 132 Thoin Road
 Lewiston Idaho 83501

TITLE
 Existing Floor Plan

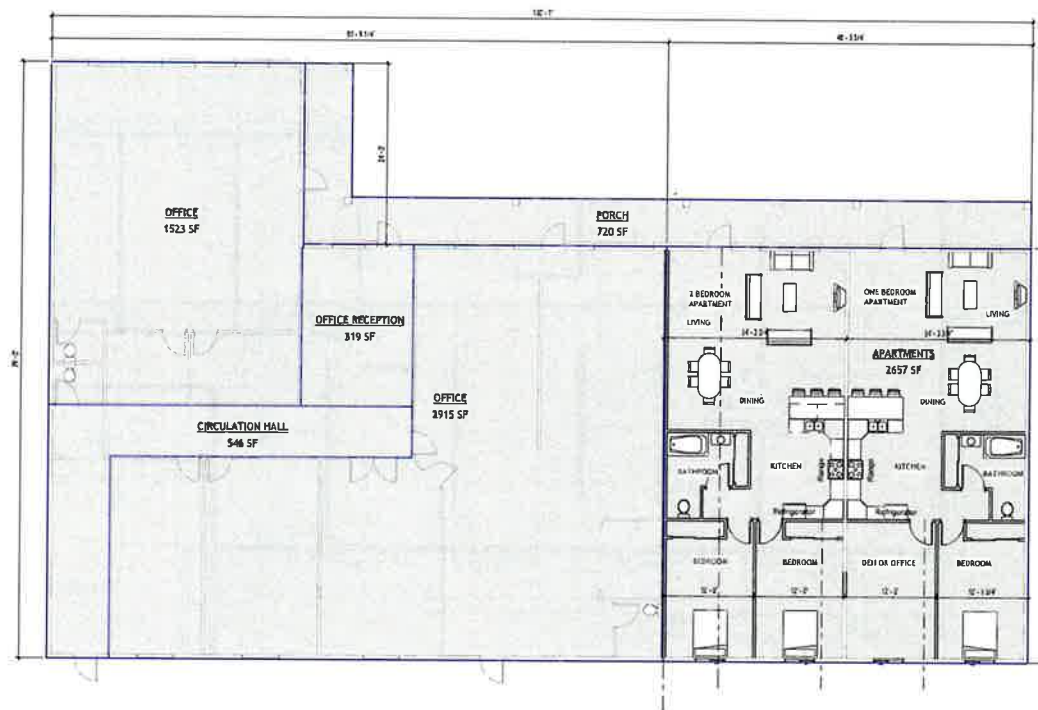
24" x 36"
 1/8" = 1'-0"

D101

01"

8/29/2024
1:08:24 PM

① FF
1/8" = 1'-0"



BROTNOV
ARCHITECTURE
& PLANNING

7-4-1111 N.W.
STREET, CLATSOP
WASHINGTON 98595
TEL: 360-758-1111
FAX: 360-758-1111

DATE

DATE

DATE

29 AUG 24

CONSULTANTS

LICENSED
ARCHITECT
40544
JEREMY BROTNOV
(STATE OF IDAHO)

40544
APARTMENT ADDITION
132 Thain Road
Lewiston Idaho 83501

TITLE:
ADD 2 APARTMENTS

BY: JEREMY BROTNOV
DATE: 8/29/24
PROJECT: 2024-001

SK1

ORIGINAL PERMIT ZONING PARKING CALCULATION

DESIGN ANALYSIS

I. OFFICE BUILDING (IN ACCORDANCE WITH 1997 UBC).

- A. DESCRIPTION: ONE BUILDING ON SAME PROPERTY
1. NEW CONSTRUCTION INCLUDES THE FOLLOWING AREAS:
OFFICES
UNFINISHED RETAIL

II. OCCUPANCY CLASSIFICATION -- SECTION 701, 702, AND 703

- A. OCCUPANCY GROUPS & BUILDING SQUARE FOOTAGE (INCLUDES CIRCULATION)

	OCCUPANCY	SQUARE FOOTAGE
NEW CONSTRUCTION	B	6,839 SQ. FT.
	TOTAL GROSS SQUARE FOOTAGE	6,839 SQ. FT.

III. TYPES OF CONSTRUCTION -- SECTIONS 1701, 1705, 1707, 1708, 1710, 1711 AND 17-A

- A. NEW BUILDING AREA -- TYPE V NON-RATED CONSTRUCTION

IV. BASIC ALLOWABLE FLOOR AREA -- SECTIONS 504 TO 508; TABLE 5-A

- A. BUILDING AREA

- | | |
|---|----------------|
| 1. GROUP B | |
| 2. BASIC ALLOWABLE FLOOR AREA | 8,000 SQ. FT. |
| 3. SEPARATED ON THREE SIDES (100%) | 8,000 SQ. FT. |
| SUB-TOTAL FOR SEPARATION ON THREE SIDES | 16,000 SQ. FT. |
| TOTAL ALLOWABLE BUILDING AREA | 16,000 SQ. FT. |

- B. TOTAL ALLOWABLE BUILDING AREA -- GROUP B

- | |
|---|
| 1. BUILDING AREA -- 6,839 DIVIDED BY 16,000 = 0.427 |
| 2. 0.427 < 1 (ALLOWABLE) |

V. PARKING REQUIREMENTS

- A. OFFICE AND/OR CLINIC FACILITIES: ONE SPACE PER 250 SQUARE FEET OF FLOOR AREA PLUS ONE SPACE PER 2 EMPLOYEES.

RETAIL FACILITIES: ONE SPACE PER 400 SQUARE FEET OF FLOOR AREA

- | | |
|---|---------------|
| 1. TOTAL SQUARE FOOTAGE -- OFFICE SPACE | 2,989 SQ. FT. |
| 2. TOTAL SQUARE FOOTAGE -- RETAIL SPACE | 3,850 SQ. FT. |
| 3. TOTAL NUMBER OF EMPLOYEES | 1 PERSON |

- B. REQUIRED NUMBER OF SPACES

- | |
|---|
| 1. OFFICE SQUARE FOOTAGE -- 2,989 DIVIDED BY 250 = 11.9 |
| 2. RETAIL SQUARE FOOTAGE -- 3,850 DIVIDED BY 400 = 9.6 |
| 3. EMPLOYEES -- 1 DIVIDED BY 2 = .5 |
| 4. TOTAL SPACES -- 11.9 + 9.6 + .5 = 22 SPACES REQUIRED |

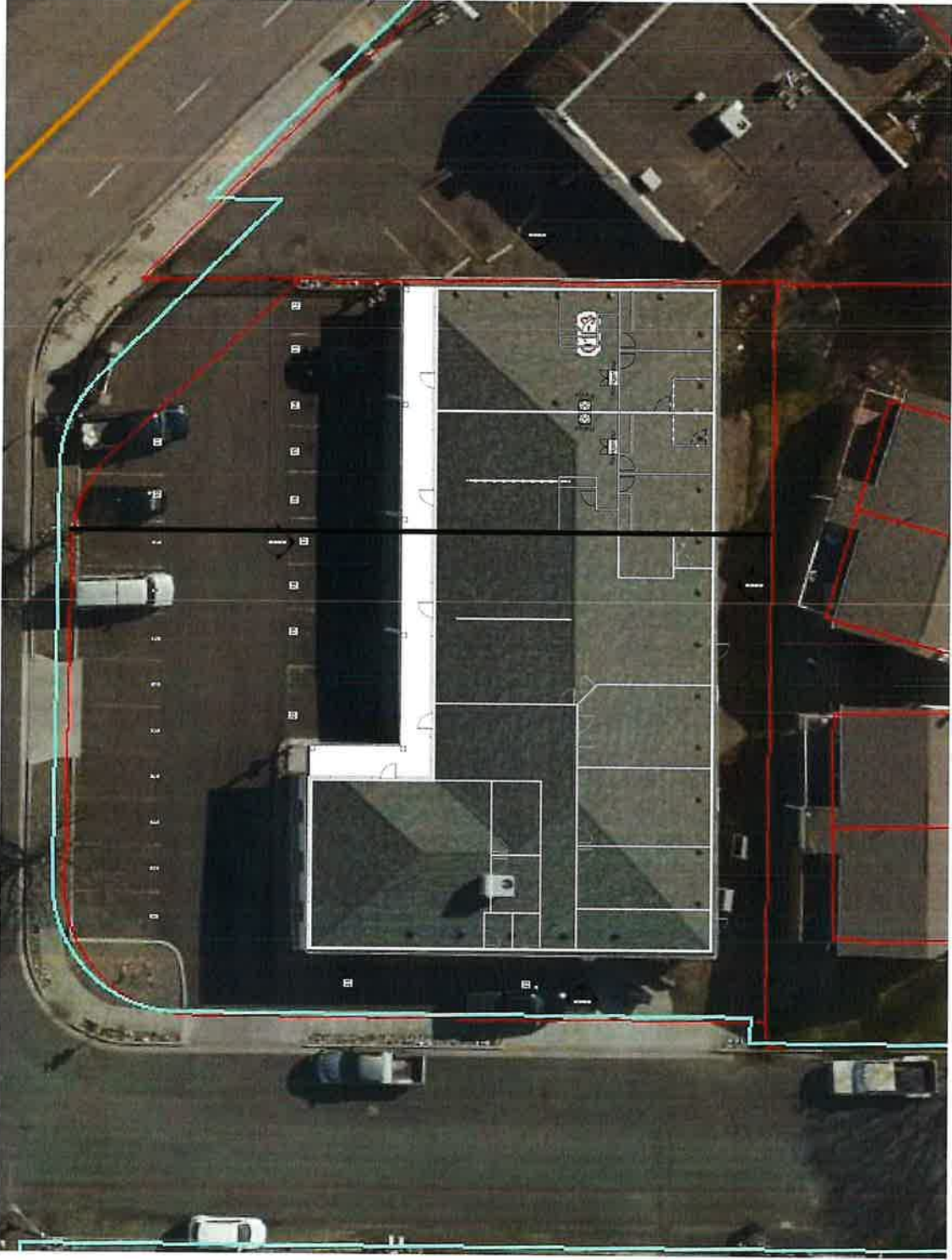
- C. TOTAL NUMBER OF SPACES PROVIDED = 22 SPACES

1. 22 SPACES = 22 SPACES (ALLOWABLE)

VI. LANDSCAPING REQUIREMENTS

- A. TOTAL AREA OF LANDSCAPING TO BE NO LESS THAN 5% OF TOTAL SITE AREA

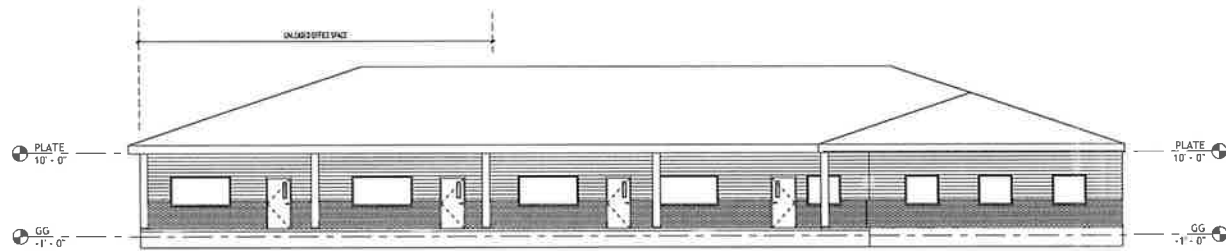
- | | |
|--|----------------|
| 1. TOTAL SQUARE FOOTAGE -- ENTIRE SITE | 19,295 SQ. FT. |
| 2. TOTAL SQUARE FOOTAGE -- LANDSCAPING | 2,798 SQ. FT. |
| 3. 2,798 / 19,295 = 14.5% (ALLOWABLE) | |



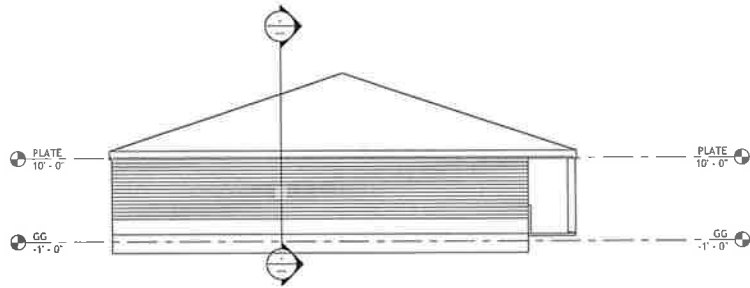
① Site Plan
1" = 50' 0"

SHEET C 101	TITLE SITE PLAN	PROJECT APARTMENT ADDITION 132 Train Road Levittown Idaho 83501	DATE 29 AUG 24	CONSULTANTS BROTHMAN ARCHITECTS 132 Train Road Levittown Idaho 83501	DATE 29 AUG 24	BROTHMAN ARCHITECTS 132 Train Road Levittown Idaho 83501
----------------	--------------------	--	-------------------	---	-------------------	--

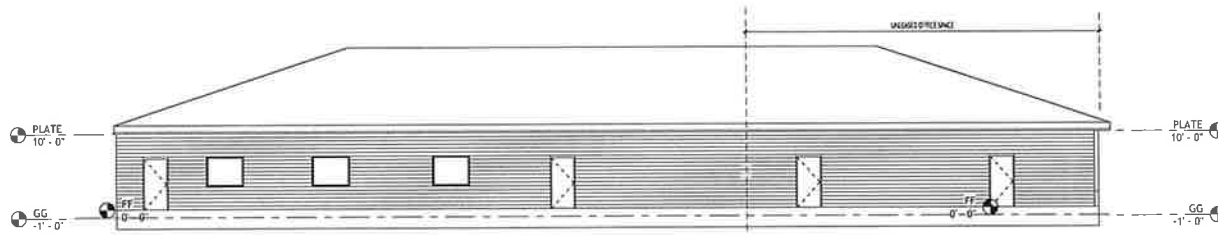
8/29/2024
1:56 PM



① Existing North
1/8" = 1'-0"



② Existing East
1/8" = 1'-0"



③ Existing South Elevation
1/8" = 1'-0"

BROTHOV
ARCHITECTS
& PLANNING

1000 E. 10th St.
Suite 100
Bozeman, MT 59717
406.551.1234
www.brothov.com

DATE

REVISION

DATE

29 AUG 24

CONSULTANTS

LICENSED
ARCHITECT
AR-2200
[Signature]
RONALD W. BROTHOV
STATE OF IDAHO

DATE

DATE

APARTMENT ADDITION
132 Thoin Road
Lewiston Idaho 83501

TITLE

EXISTING ELEVATIONS
DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: 8/29/24
"REDUCED SCALE"

D201

49"



PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date:

9/10/24

Case File Number:

ZNC24-4

Applicant:

Chris Clark

Property Owner:

Chris Clark

Site Location:

The easterly portion (approximately forty-five feet) of 132 Thain Road

Request/Proposal:

Rezone from Community Commercial, C3, to Medium Density Residential, R3. The applicant desires to convert the easterly forty-five feet (approximately) of the existing office building on the subject property into two apartments.

Subject Property and Surrounding Land Uses:

The subject property is developed with an office building and associated parking lot. Surrounding properties are multi-family residential to the south, a gas station to the north across Vista Avenue a variety of retail businesses to the east and single family residential to the west across 8th Street C.

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

N.A.

Code References:

See attachments hereto (subject property current zoning, Community Commercial, C3; subject property proposed zoning, Medium Density Residential, R3; Zoning Code Article VII, Amendments).

Comprehensive Plan:

The subject property is designated as Neighborhood Commercial (NC) on the Comprehensive Plan (the Plan) Future Land Use Map. Page 62 of the Plan states: "Neighborhood Commercial areas provide low-mid intensity commercial services primarily for surrounding residents. More intense and larger scale businesses should be located at intersections of collectors and arterial roadways and should be less intense. These areas may also provide a transition from more intense commercial or industrial uses to less intense and smaller scale residential areas." A copy of the NC Designation is attached hereto for reference.

Although the NC Designation is primarily intended for commercial uses, apartments are listed as a supporting use for this designation. Page 62 of the Plan states:

"Suggested Residential Density Range

8+ DU/acre can be considered with the following essential considerations:

Location: Commercial uses remain along street frontage. Residential uses are located above or behind commercial uses when present.

Intensity: Provides transition in intensity from adjacent uses/zones and provides an appropriate transition in building use, type, and scale from surrounding uses.

Access: Located on a collector or arterial roadway with adequate access for the proposed use.

Infrastructure: The existing or planned infrastructure is adequate to meet the needs of the proposed use.

Compatibility: The presence of residential would not possibly hinder future commercial uses on adjacent commercial areas. The proposed location is not within the proximity of industrial uses in areas identified for additional industrial uses in the future land use map."

Goals, Objectives, and Actions from the Plan that may be considered relevant to ZNC24-4 include:

"GOAL LU.1 ACCOMMODATE FUTURE DEVELOPMENT AND REDEVELOPMENT.

LU.1.1 Optimize compatibility. Align incompatible zoning and land uses and development regulations with the Future Land Use Map to establish consistent and compatible growth patterns.

LU.1.3 Balance land uses. Establish land use patterns that accommodates various land uses in proportion to the needs of the community.

LU.1.3.2	Evaluate the zoning code to enable compatible uses in more locations to minimize the distance
----------	---

	between residents and needed services.
--	--

GOAL LU.2 PROVIDE HOUSING CHOICES THROUGHOUT LEWISTON.

LU.2.1 Diversify possible housing options. Ensure that a variety of types, scale and density-appropriate housing can be constructed throughout Lewiston, promoting neighborhoods that cater to residents of all incomes, ages, family structures and cultures.

LU.2.1.1	Conduct a review of the Land Use Code and implement modifications to facilitate diverse, scale-appropriate housing options across Lewiston.
----------	---

LU.2.2 Allow for density by ensuring compatibility. Build additional housing types in a scale appropriate way that fits into existing neighborhoods.

LU.2.3 Facilitate workforce housing for critical services and employers. Key sectors such as healthcare, education, emergency services, and personal services need workforce housing in Lewiston. Explore what land use policy changes and regulation would enable such development.

ED.2.3 Improve housing affordability for lower-income households. Housing is a critical element in the attraction and long-term retention of employees and is needed at all levels of income but is mostly in demand at lower price points.

ED.2.3.2	Attract an increased variety of housing types to accommodate new workers.
----------	---

ED.4.3 Re-envision underutilized retail spaces. Accommodate a wider range of uses and activities to better meet changing market demands.

ED.4.3.3	Evaluate the commercial zoning districts in the zoning code zoning code to ensure relevant commercial and mixed uses are allowed where appropriate.
----------	---

GOAL H.1 INCREASE HOUSING QUALITY AND PRODUCTION.

H.1.1 Improve quality of and access to affordable housing. Implement related existing plans and identify solutions for housing access.

H.1.3 Evaluate regulations for barriers to housing. Assess and amend subdivision and zoning regulations to change factors that limit the ability to build new housing where appropriate.

GOAL H.2 DIVERSIFY HOUSING OPTIONS.

H.2.1 Raise community awareness and interest in missing middle housing types. Educate developers and residents about the benefits of a diverse range of housing.

H.2.2 Reduce barriers to missing middle housing typologies. Study and reduce or eliminate barriers to allow for additional housing typologies that are not currently being built."

Page 88 of the Plan states the following:

"HOUSING HEALTH AND WELLBEING CONSIDERATIONS

Access to quality and affordable housing is critical for health and wellbeing, as shelter is a basic human need. When housing is in poor condition, things like mold, exposure to lead and asbestos, and poor insulation can have detrimental effects to physical health. The financial burdens of high housing costs can lead to mental stress and lessen the ability to properly maintain housing conditions.

Access to a variety of housing options to suit the various stages of life allows people to stay in the community and maintain social connections. Housing location can also greatly affect health outcomes. Residences near hazards and poor environmental conditions experience shorter life expectancy than areas without the same risks. Having a safe, stable, and affordable place to live is critical to the Lewiston community's health and wellbeing."

Input From Other Departments/Agencies:

The Engineering Division of the Public Works Department states that they have no objection to the proposed rezone. The Fire Department has not commented, yet, on this application. However, if ZNC24-4 is approved, the applicant will need to meet Fire Department requirements for the building permit to convert the office space in the existing building to apartments.

Analysis:

The applicant desires to convert the easterly forty-five feet (approximately) of the existing office building on the subject property into two apartments; however, the existing C3 zoning of the property does not permit residential use. Therefore, the applicant requests approval to extend the existing R3 Zone adjacent to the south side of the subject property onto the easterly portion of his property. The remainder and majority of the subject property would remain in the C3 Zoning district. The area and configuration of the property proposed for rezoning would not allow for subdivision of the proposed R3 Zone property to be subdivided, as it would not meet the minimum lot standards of the R3 Zone. The applicant has been informed of and has acknowledged this.

Though the applicant has stated intent to create two apartments, the Commission should keep in mind that if ZNC24-4 is approved, the applicant and/or subsequent property owner(s) may establish any use permitted in the proposed R3 Zone. However, the size of the property proposed for rezoning and the fact

that the existing building and associated parking take up that property makes it unlikely that anything different or more intensive than the two intended apartments would be established.

There is a ground monument sign for the building located at the northeast corner of the subject property. It will be located in the proposed R3 Zone if ZNC24-4 is approved; however, the sign complies with the provisions of the sign code for signs in residential zones.

The subject property is in a mixed-use area consisting of a variety of commercial and residential uses. The subject property fronts Thain Rd, a minor arterial street and a transit route, but has no access to Thain Road. It has two driveways, one on 8th St C, which is a local residential street and one on Vista Avenue, which is also a local residential street and is one-way, eastbound. Thain Road has curb, gutter and sidewalk. 8th Street C only has curb, gutter and sidewalk along the subject property but along none of the others on the block. Vista Avenue has some curb, gutter but no sidewalk.

The building on the subject property is approximately seven thousand square feet. The site plan for the 2001 building permit and an old GIS aerial photo show twenty parking spaces with only one driveway, and that was on 8th Street C. Apparently, two parking spaces were removed after the building was built to create a second driveway approach on Vista Avenue. Since the time the building was constructed, the parking requirements of the Zoning Code increased. Under today's code, twenty-eight parking spaces would be required. There are currently eighteen parking spaces on the site. Conversion of the easterly part of the building into two apartments would decrease the minimum number of parking spaces and bring the property closer to compliance with the minimum number of parking spaces required, as apartments require less parking than office space.

The subject property is designated as Neighborhood Commercial (NC) on the Comprehensive Plan Future Land Use Map. The current C3 zoning of the property is in clear conformance with that designation. The proposed R3 Zone for the subject property is less clearly in conformance with the Plan, but still could be considered in conformance. Staff directs the Commission's attention in this matter to the Comprehensive Plan section of this report, especially that part of it discussing the circumstances under which a NC Designated property could or should be considered appropriate for residential use up to eight dwelling units per acre, as follows:

“Location: Commercial uses remain along street frontage. Residential uses are located above or behind commercial uses when present.

Intensity: Provides transition in intensity from adjacent uses/zones and provides an appropriate transition in building use, type, and scale from surrounding uses.

Access: Located on a collector or arterial roadway with adequate access for the proposed use.

Infrastructure: The existing or planned infrastructure is adequate to meet the needs of the proposed use.

Compatibility: The presence of residential would not possibly hinder future commercial uses on adjacent commercial areas. The proposed location is not within the proximity of industrial uses in areas identified for additional industrial uses in the future land use map.”

A shortage of housing is currently a known problem in Lewiston. The applicant states in his rezone application that the existing building on the subject property is not fully occupied with office use(s), as intended, and that there is an over-abundance of office space in the city at this time. This may be justification for approval of this rezone, despite the fact that the intended resulting housing would not be located behind or on top of a commercial use and would not be accessed from a collector or arterial street (although it does front one), as called for in the Comprehensive Plan.

Relevant Criteria and Standards:

The commission shall consider the following relevant criteria and standards when considering a request for a change in zoning:

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

Prepared By:

Joel D. Plaskon, City Planner, AICP

(208) 746-1318, ext. 7202

jplaskon@cityoflewiston.org

P.O.B 617

Lewiston, ID 83501

DIVISION 14. - COMMUNITY COMMERCIAL ZONE C-3

Sec. 37-67. - Community commercial zone C-3.

Purpose. To provide for development of commercial and service uses designed to serve community wide needs. Such areas shall provide for uses which because of size, operating characteristics, or need for major street accessibility, may not be suitable in the central business district or local commercial areas. Provisions of this zone shall ensure compatibility of design with any adjacent residential development.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 30, 10-25-99)

Sec. 37-68. - Uses permitted outright.

In a C-3 zone, the following uses and their accessory uses are permitted outright subject to the provisions of article IV:

- (1) Auto, boat, manufactured home, recreational vehicle sales and service;
- (2) Car wash, subject to the special conditions of section 37-60.1(1) of this Code;
- (3) Commercial entertainment facility, subject to the special conditions of section 37-69.1(3) of this Code;
- (4) Day care center, subject to the special conditions of section 37-20.1(5) of this Code;
- (5) Drinking establishments;
- (6) Eating establishments;
- (7) Financial institutions;
- (8) Mini-storage, subject to the special conditions of section 37-69.1(1) of this Code;
- (9) Personal services;
- (10) Preschool, subject to the special conditions of section 37-20.1(6) of this Code;
- (11) Professional and business offices;
- (12) Public or governmental offices or semi-public uses which uses are similar to other uses permitted outright in this zone;
- (13) Residential uses legally established as of December 31, 2004;
- (14) Retail sales and services;
- (15) Service station, subject to the special conditions of section 37-60.1(2) of this Code;
- (16) Small animal hospital, clinic or kennel, subject to the special conditions of section 37-69.1(2) of this Code;
- (17) Repealed by Ord. No. 4742.

(18) Repealed by Ord. No. 4742.

(19) Repealed by Ord. No. 4753.

(20) Church.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 31, 10-25-99; Ord. No. 4322, § 4, 12-9-02; Ord. No. 4346, § 2, 11-17-03; Ord. No. 4390, § 3, 2-14-05; Ord. No. 4531, § 8, 7-13-09; Ord. No. 4742, § 20, 8-19-19; Ord. No. 4753, § 3, 12-14-19)

Sec. 37-69. - Conditional uses.

In a C-3 zone, the following uses and their accessory uses are permitted when authorized in accordance with the standards and requirements of articles IV and IX:

- (1) Other public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;
- (2) Other semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency;
- (3) Other limited commercial uses which are not permitted outright but which are consistent with the purpose of the C-3 zone, and are not detrimental to any of the outright permitted uses or other existing conditional uses;
- (4) Recreational vehicle park, subject to the provisions of chapter 23, article II of this Code;
- (5) 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;
- (6) 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;
- (7) A nonconforming commercial use may expand to bring that use into compliance with the requirements of this chapter, article VII, off-street parking and loading. Such nonconforming commercial use may expand onto a separate parcel containing a conforming use where that parcel is abutting the nonconforming use for purposes of parking only.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 32, 10-25-99; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4346, § 2, 11-17-03; Ord. No. 4698, § 16, 10-30-17; Ord. No. 4753, § 4, 12-14-19; Ord. No. 4799, § 13, 3-8-21)

Sec. 37-69.1. - Special conditions.

- (1) *Mini-storage.* Where a mini-storage complex abuts a residential use, the portion of the site abutting the residential use shall be fenced and/or landscaped. The underlying zoning, parking and landscaping standards shall determine the extent to which landscaping and fencing is required.
 - (a) Where a mini-storage complex abuts a commercial zone, outdoor storage areas must be fenced along the perimeter of the outdoor storage area with a sight-obscuring fence.
 - (b) Asphalt or Portland cement paving shall be required on all areas designated for vehicular movement, on- or off-loading, or parking.
 - (c) On-site area for on- and off-loading of vehicles shall be provided so that such operations do not take place on or interfere with public right-of-way.
 - (d) Exterior security lighting shall be provided.
- (2) *Small animal hospital, clinic or kennel.*
 - (a) The floor of an indoor kennel shall be made or covered with a durable, impervious surface sloped to a floor drain to allow the area to be cleaned and disinfected.
 - (b) The outdoor dog runs shall be enclosed with fences or walls of a minimum of eight (8) feet in height.
 - (c) All laws applicable to the public health shall be complied with for the entire period of the operation of the kennel.
 - (d) Outdoor kennels, play yards or pens associated with the kennel shall be located only in the side or rear yard and shall be set back one hundred (100) feet from any residentially zoned property.
 - (e) A minimum ten-foot-wide landscaped buffer shall be installed along any side or rear property line adjacent to residentially zoned property. Landscaping shall consist of one (1) one and one-half (1½) inch caliper deciduous tree or one (1) six-foot evergreen tree and five (5) one-gallon shrubs per thirty-five (35) linear feet.
- (3) *Commercial entertainment facility.*
 - (a) The size of the site is shown to be reasonable for the intended use.
 - (b) Parking and access to the site meets all applicable ordinances.
 - (c) The surrounding property will not otherwise be adversely affected.
 - (d) Any exterior lighting shall be directed or shrouded so as to not shine onto any adjacent properties.
 - (e) Requirements of chapter 24, article II of this Code, noise control and regulation, shall be met.
 - (f)

If located adjacent to residential use property, a sight-obscuring fence, a minimum of six (6) feet in height, or a landscape buffer with a minimum eighty (80) percent opacity rating shall be installed on the perimeter of the portion of the lot abutting the residential use.

(Ord. No. 4249, § 33, 10-25-99; Ord. No. 4399, § 1, 7-11-2005; Ord. No. 4440, § 2, 8-14-06)

Sec. 37-69.2. - Development standards.

In a C-3 zone, the following development standards shall apply and be in force:

- (1) *Maximum height for buildings.* Forty-five (45) feet.
- (2) *Maximum lot coverage.* None.
- (3) *Minimum lot size.* None.
- (4) *Minimum front yard.* Twenty (20) feet measured from the front property line or forty-five (45) feet from the center line of the street, whichever is greater.
- (5) *Minimum side yard.* None except fifteen (15) feet when a property abuts a residential zone.
- (6) *Minimum rear yard.* None except fifteen (15) feet when a property abuts a residential zone.
- (7) *Signs.* Signs shall be subject to the restrictions enumerated in the sign ordinance of the city.
- (8) *Off-street parking.* Off-street parking shall be subject to the requirements enumerated in article VII.
- (9) *Minimum screening: Side or rear yards abutting residential zones shall be screened by means of a sight obscuring fence or approved landscaping materials.* Such screening shall be installed prior to the issuance of a certificate of occupancy.
- (10) *Sidewalks.* Portland cement concrete sidewalks shall be required in all commercial zones. See section 32-45(c) of this Code.

(Ord. No. 4108, § 2, 8-15-94)

Editor's note— Ord. No. 4249, § 33, adopted October 25, 1999, added a new section § 37-69.1. This section has been editorially renumbered to avoid duplication.

DIVISION 8. - MEDIUM DENSITY RESIDENTIAL ZONE R-3

Sec. 37-42. - R-3 medium density residential zone.

- (a) *Purpose.* To provide land for the development of multifamily dwellings and to provide an orderly transition from more intensive, high density uses to less intensive, lower density uses.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 16, 10-25-99)

Sec. 37-43. - Uses permitted outright.

In an R-3 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) Intermediate term care facility, subject to the special conditions of section 37-44.1(1) of this Code;
- (7) Long-term care facility, subject to the special conditions of section 37-44.1(2) of this Code;
- (8) Manufactured home park, subject to the provisions of chapter 23 of this Code, with a maximum density of sixteen (16) dwelling units per acre;
- (9) Mortuary, subject to the special conditions of section 37-20.1(1) of this Code;
- (10) Multifamily dwelling, meeting the standards of section 37-124.1 of this Code;
- (11) Park, subject to the special conditions of section 37-20.1(4) of this Code;
- (12) School, subject to the special conditions of section 37-20.1(3) of this Code;
- (13) Single-family dwelling;
- (14) Small lot development subject to the requirements of section 37-33, standards for small lot development;
- (15) Tiny house village, subject to the provisions of chapter 23 of this Code, with a maximum density of sixteen (16) dwelling units per acre;
- (16) Two-family dwelling.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4161, § 5, 7-1-96; Ord. No. 4249, § 17, 10-25-99; Ord. No. 4385, § 7, 2-14-05; Ord. No. 4386, § 2, 2-14-05; Ord. No. 4433, § 4, 1-9-06; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4531, § 4, 7-13-09; Ord. No. 4656, § 10, 3-28-16; Ord. No. 4676, § 14, 11-28-16; Ord. No. 4841, § 8, 11-14-22)

Sec. 37-44. - Conditional uses permitted.

In an R-3 Zone the following uses and their accessory uses are permitted when authorized in accordance with the standards and requirements in articles IV and IX:

- (1) Repealed by Ord. No. 4742.
- (2) Day care center, subject to the special conditions of section 37-20.1(5) of this Code;
- (3) Dormitory, subject to the special conditions of section 37-44.1 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 provisions of chapter 23 of this Code, with a density greater than sixteen (16) dwelling units per acre;
- (7) Noncommercial kennel, subject to the 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 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;
- (12) 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;
- (13) Tiny house village, subject to the provisions of chapter 23 of this Code, with a density greater than sixteen (16) dwelling units per acre.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 18, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4385, § 8, 2-14-05; Ord. No. 4386, § 3, 2-14-05; Ord. No. 4531, § 4, 7-13-09; Ord. No. 4742, § 21, 8-19-19; Ord. No. 4799, § 7, 3-8-21; Ord. No. 4841, § 9, 11-14-22)

Sec. 37-44.1. - Special conditions.

(1) *Intermediate care facility.*

- (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.

(2) *Long-term care facility.*

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Parking and access to the site meets all applicable ordinances.
- (c) The surrounding property will not otherwise be adversely affected.

(3) *Dormitory.*

- (a) Dormitories with twelve (12) occupants or more shall have on-site management.
- (b) Buildings shall be designed with the following security measures:
 - 1. Interior access to each room;
 - 2. Controlled access beyond the lobby and to individual floors;
 - 3. Manager's name and contact information posted in clear view in the lobby.
- (c) Dumpsters shall be located inside the building or placed no closer than fifteen (15) feet from any property line adjacent to residentially zoned property.

(Ord. No. 4249, § 19, 10-25-99; Ord. No. 4386, § 6, 2-14-05)

Sec. 37-45. - Lot size.

In an R-3 zone, the minimum lot size shall be as follows:

- (1) Lot area shall be a minimum of six thousand (6,000) square feet plus an additional two thousand five hundred (2,500) square feet for each dwelling unit over one (1).
- (2) Lot width shall be a minimum of sixty (60) feet.
- (3) Lot depth shall be a minimum of eighty (80) feet.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4531, § 4, 7-13-09; Ord. No. 4676, § 15, 11-28-16)

Sec. 37-46. - Yards.

Except as provided in article VIII, in an R-3 zone minimum yard requirements shall be as follows:

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

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

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

Sec. 37-47. - Lot coverage.

In an R-3 zone, buildings shall not cover more than fifty (50) percent of the lot.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4676, § 17, 11-28-16)

Sec. 37-48. - Height of buildings.

In an R-3 zone, no building shall exceed a height of forty-five (45) feet.

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-49. - Reserved.

Editor's note— Ord. No. 4216, § 1, adopted August 10, 1998, repealed § 37-49, relative to signs permitted in the R-3 zone, which derived from Ord. No. 4108, § 2, adopted August 15, 1994.

ARTICLE XII. - AMENDMENTS

Sec. 37-178. - Authorization to initiate amendments.

An amendment to the text of this chapter or to the official zoning map may be initiated by the council, by the commission, or by the property owner. A property owner may initiate a request for an amendment by filing an application with the community development department using forms prescribed in article XIII. The application shall be submitted at least twenty (20) working days prior to the meeting of the planning and zoning commission at which it will be considered.

(Ord. No. 4108, § 2, 8-15-94)

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

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

(Ord. No. 4108, § 2, 8-15-94)

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

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

If the commission determines the requested change is not in accord with the adopted comprehensive plan, the commission may either deny the request or recommend to the council an appropriate amendment to the plan. The council may adopt or reject the amendment under the procedures provided in Idaho Code, Section 67-6509. After the plan is amended, the zoning map may be amended in conformity therewith.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4344, § 4, 11-17-03)

Sec. 37-180.1. - Relevant criteria and standards when considering zone changes

The commission shall consider the following relevant criteria and standards when considering a request for a change in zoning:

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

(Ord. No. 4631, § 3, 7-13-15)

Editor's note— Ord. No. 4631 § 3, adopted July 13, 2015, added a new section § 37-181. This section has been editorially renumbered to avoid duplication.

Sec. 30-12. Signs in residential zones.

(a) The following signs are authorized in all residential zones without a sign permit:

- (1) One (1) temporary sign no larger than six (6) square feet.
- (2) One (1) window sign no larger than two (2) square feet in one (1) window on the property or one (1) wall sign no larger than two (2) square feet next to one (1) door on the property. Such window sign or wall sign may be an internally illuminated sign, but shall not be an animated sign.
- (3) One (1) temporary sign, no larger than six (6) square feet when the property on which the temporary sign is placed is being offered for sale, lease, or rent. Such temporary sign shall be removed within fifteen (15) days after such property is sold, leased, or rented.
- (4) Bench signs, so long as such signs are not visible from the public right-of-way.

Signs authorized by this subsection shall not count toward any limitation on the number or area of signs allowed on a lot, as set forth in this section.

(b) Within a residential zone, a property owner shall secure a sign permit prior to placing any other sign on the owner's property.

(c) Unless otherwise provided, the following regulations apply to all signs within residential zones:

- (1) Signs may be internally illuminated signs. If a sign is an internally illuminated sign, the illumination shall be constant and not animated.
- (2) Billboards, electronic message centers, roof signs, and wall art displays that include electrical or mechanical components are prohibited.
- (3) Signs may be placed anywhere on the property; provided, however, no sign shall be placed in a clear vision area or in an area to be dedicated as public right-of-way.
- (4) Bench signs are prohibited in all residential zones, unless such signs are not visible from the public right-of-way.
- (5) No sign shall exceed six (6) square feet per dwelling unit; provided, that the total area of all signs located on a lot shall not exceed thirty-two (32) square feet.
- (6) A church, a semi-public use, a subdivision, multifamily dwelling, or a manufactured home park may have one (1) ground monument sign per entrance to such church, semi-public use, subdivision, multifamily dwelling, or manufactured home park no larger than thirty-two (32) square feet. Such sign(s) shall not be placed within a clear vision area or in an area to be dedicated as public right-of-way, as determined by the public works director, or designee.
- (7) Ground monument signs and freestanding signs shall not exceed six (6) feet in height.
- (8) The length of ground monument signs and freestanding signs shall not exceed ten (10) percent of the linear lot street frontage or eighteen (18) feet, whichever is less; provided, however, if the lot is a flag lot, then a ground monument sign or freestanding sign shall not exceed thirty-two (32) square feet and the length requirement set forth above shall not apply.
- (9) No more than two (2) signs shall be allowed per lot street frontage.

(d) A property owner who obtains a conditional use permit in a residential zone shall comply with the requirements of this section unless the planning and zoning commission modifies such requirements as part of the conditional use permit.

(Ord. No. 4692, § 2, 10-30-17; Ord. No. 4906, § 6, 3-25-24)

Created: 2024-07-25 11:03:54 [EST]

NEIGHBORHOOD COMMERCIAL

Description

Neighborhood Commercial areas provide low-mid intensity commercial services primarily for surrounding residents. More intense and larger scale businesses should be located at intersections of collectors and arterial roadways and should be less intense. These areas may also provide a transition from more intense commercial or industrial uses to less intense and smaller scale residential areas.

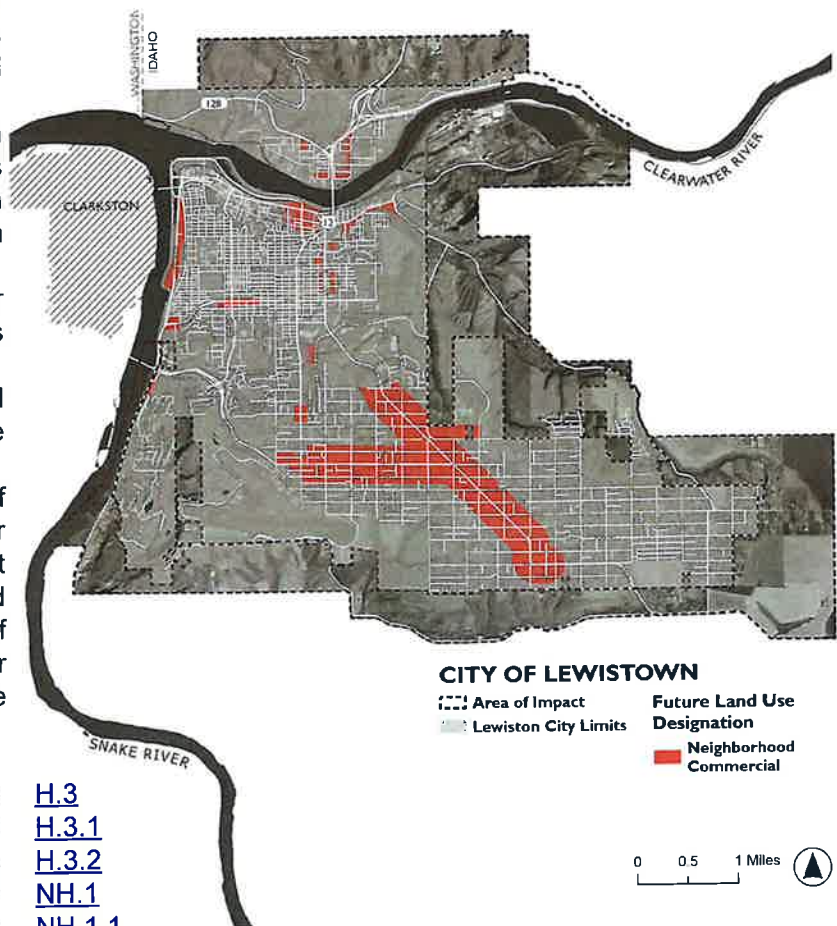
Examples

Pharmacy, convenience stores, laundry/dry cleaning services, child care centers, small-scale professional offices.

Suggested Residential Density Range

8+ DU/acre can be considered with the following essential considerations:

- **Location:** Commercial uses remain along street frontage. Residential uses are located above or behind commercial uses when present.
- **Intensity:** Provides transition in intensity from adjacent uses/zones and provides an appropriate transition in building use, type, and scale from surrounding uses.
- **Access:** Located on a collector or arterial roadway with adequate access for the proposed use.
- **Infrastructure:** The existing or planned infrastructure is adequate to meet the needs of the proposed use.
- **Compatibility:** The presence of residential would not possibly hinder future commercial uses on adjacent commercial areas. The proposed location is not within the proximity of industrial uses in areas identified for additional industrial uses in the future land use map.



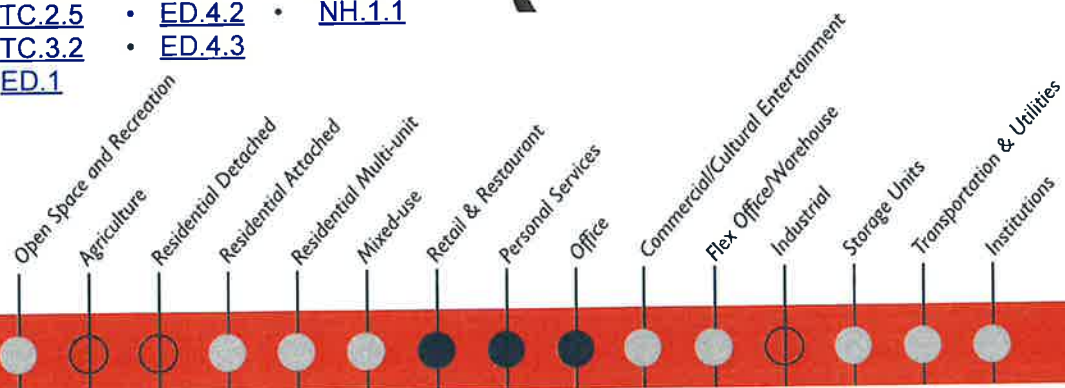
Policy Basis

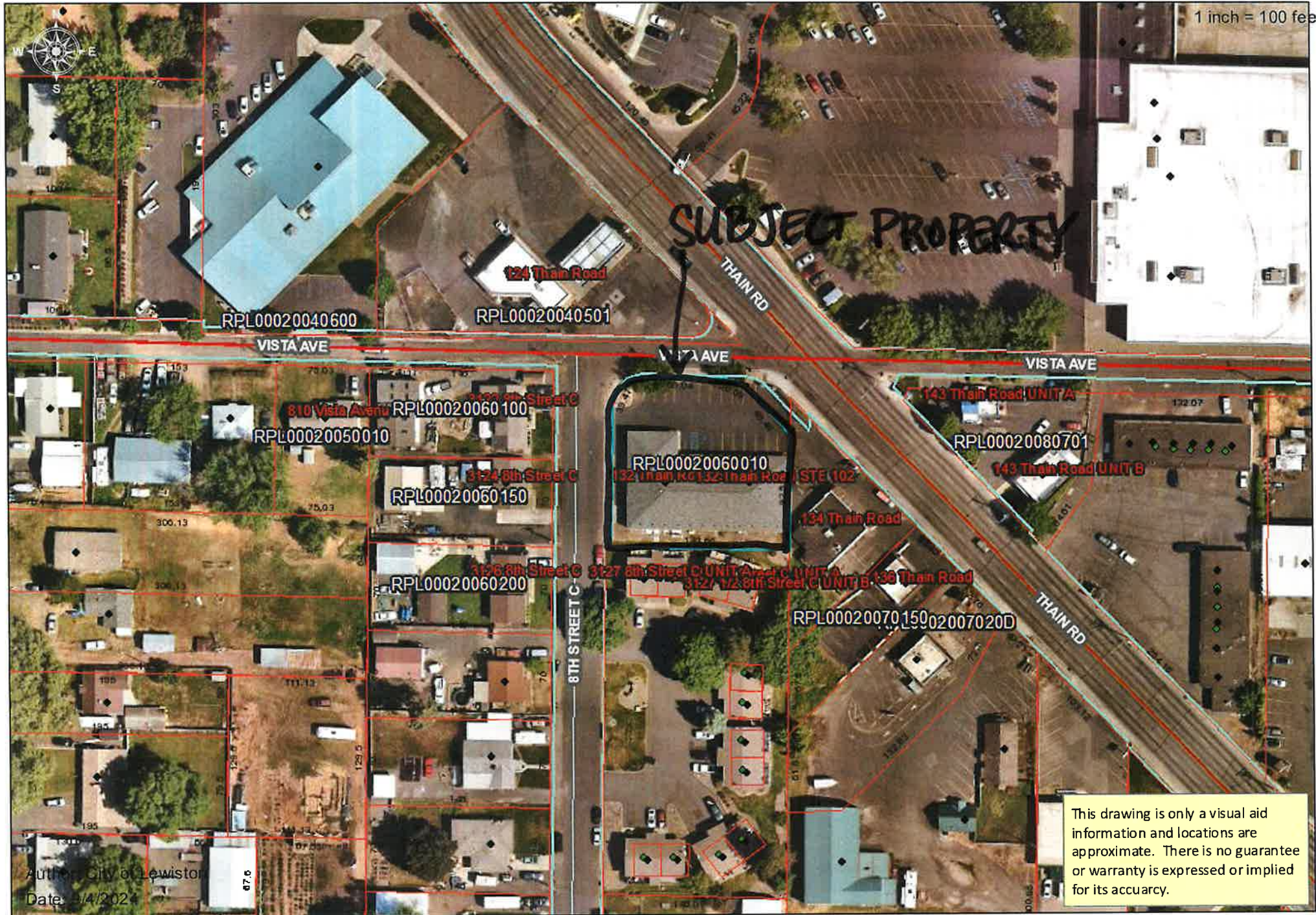
- | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|
| • CC.3 | • LU.2 | • ED.3 | • H.3 |
| • CC.3.1 | • LU.2.1 | • ED.3.1 | • H.3.1 |
| • LU.1 | • LU.2.2 | • ED.3.2 | • H.3.2 |
| • LU.1.1 | • LU.2.3 | • ED.4 | • NH.1 |
| • LU.1.2 | • TC.2.5 | • ED.4.2 | • NH.1.1 |
| • LU.1.3 | • TC.3.2 | • ED.4.3 | |
| | • ED.1 | | |

Primary Use

Supporting Use

Discouraged Use







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

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

I. APPLICATION NUMBER:

II. APPLICANT'S NAME AND ADDRESS:

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:

IV. DATE OF PUBLIC HEARING:

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

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

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

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

IX. RELEVANT CRITERIA AND STANDARDS:

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

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

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

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

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

By:

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

Printed: _____

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNCxx-xxxxxx

Page 2 of 3

Date of Signature: _____

ATTEST: _____
Tanya Brocke, Community Development Specialist

RECEIVED

SEP 19 2024

STAFF USE ONLY

Appeal Number: _____
Hearing Date: _____
Filing Fee: _____

City Attorney's Office



NOTICE OF APPEAL TO THE LEWISTON CITY COUNCIL

****Please submit appeal filing fee payable to the City of Lewiston with your completed application. ****

APPELLANT INFORMATION

Full Name: Glines Linda J Date: 09/19/2024
Last First M.I.

Address: 0229 22nd Street
Street Address Apartment/Unit #
Lewiston Idaho 83501
City State ZIP Code

Phone: 208-305-7943 Email: lindaglines35@gmail.com

This is an appeal of a decision made by the **LEWISTON PLANNING & ZONING COMMISSION** on 09/11/2024 regarding the following application: Conditional Use Permit 24-3 Michelle King for the Village
(date of Reasoned Statement Approval)

Pursuant to Lewiston City Code § 37-185, I certify that I am the applicant in the above-described application **or** a property owner entitled to mailed notice of said application pursuant to Lewiston City Code § 37-184. I further certify that this appeal has been filed with the City Clerk and accompanied by the required filing fee within fifteen (15) calendar days after the Lewiston Planning and Zoning Commission approved its written Reasoned Statement of Relevant Criteria and Standards regarding the above-described application, in accordance with Lewiston City Code § 37-185.

REASON FOR APPEAL

A statement is attached regarding our reasons for the appeal of CUP 24-3.

A list of signatures of residents affected and wishing to participate in this appeal is also attached.

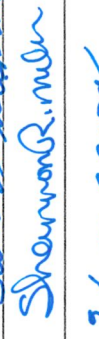
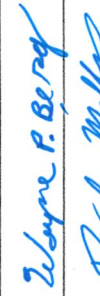
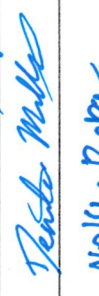
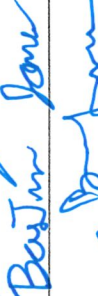
Note: If additional space is needed, attach additional sheets or use reverse side of this sheet.

Linda J Glines
Signature of Appellant

09/19/2024
Date

APPELLANT SIGNATURES

APPEAL TO CUP24-3

NO	PRINTED NAME	SIGNATURE	PHONE NUMBER	STREET ADDRESS	DATE
1	Tina Hansen		208-240-6228	0111 22nd St	9-14-24
2	Riley Berg		208-553-9103	0127 22nd St	9-16-24
3	Serika Blackwell		208-717-7068	01207 25th St	9-16-24
4	Shannon Miller		208-553-5948	11	9-16-24
5	Wayne P. Berg		208-553-5948	11	9-16-24
6	Debra Miller		208-5413-3797	11	9-16-24
7	Nolyn Berg		208-553-5948	11	9-16-24
8	Cherilyn Compton		208-413-3511	11	9-16-24
9	Dustin Squires		208-305-2558	0204 22nd Street	9-16-24
10	Boston Jones		509-780-2368	0228 22nd Street	9-16-24
11	Brandon Jones		425-308-950	0232 22nd St	9-16-24
12	Linda Glines		208-305-7943	0229 22nd St	9-16-24
13	Rick Glines		208-305-7259	0229 22nd St	9-16-24

NO	PRINTED NAME	SIGNATURE	PHONE NUMBER	STREET ADDRESS	DATE
14	Wood, Arthur C.		208-827-3102	0221 22nd St. #1B	9-16-24
15	Sheila Hasset		509-552-0209	0221 22nd St. #1B	9-16-24
16	Jennifer Squires		208-553-9217	0204 22nd St	9-16-24
17	Pam Knight		208-553-9477	0222 22nd St.	9-16-24
18	Scott Hagen		208-816-6918	0222 22nd St.	9-16-24
19	Jamie England		208-790-6829	0203 22nd St	9-16-24
20	Taleesha Taylor		208-791-0799	0215 22nd St. #1	9-16-24
21	Kat Glover		208-827-0021	0115 23rd St	09/16/24
22	William Kessel		208-474-7421	0115 23rd St	09/16/24
23	Brandon Dugdale		208-413-4340	0121 23rd St	9-16-2024
24	Emily Amisla		208-413-1471	0121 23rd St.	9-16-2024
25	Karla Boyce		208-790-8020	0211 23rd Street	9-16-2024
26	Bony Gordon		208-553-7043	0224 23rd St.	9-16-2024
27	Ashley Gordon		208-553-1866	0224 23rd St	9/16/24
28	Vince Kite		208-413-8034	0226 23rd St	9/16/24
29	Eden Barber		208-553-1641	Eden Barber	9-16-2024
30	Brenda Shumaker		(208) 553-0505	0150 23rd St.	9-16-2024

APPELLANT SIGNATURES

APPEAL TO CUP24-3

NO	PRINTED NAME	SIGNATURE	PHONE NUMBER	STREET ADDRESS	DATE
1	MIKE BARR	<i>Michael Barr</i>	208-746-1870	0150-23 ST	9-16-24
2	TRISHA BARR	<i>Trisha Barr</i>	208-746-1870	0150 23rd St.	9-16-24
3	Paul McKenna	<i>Paul McKenna</i>	201 746-4192	2303 Main St	9-16-24
4	Stephen Fowler	<i>Stephen Fowler</i>	208-305-1649	0150 23 rd Street	9/17/24
5	KEITH WATSON	<i>Keith Watson</i>	208 413 3906 mess	0128 23RD St.	9/17/24
6	Sanida Valpey	<i>Sanida Valpey</i>	208-798-4673	0117 23rd St	9-17-24
7	Tom Valpey	<i>Tom Valpey</i>	208-798-4673	0117 23rd St	9-17-24
8	Amy Bakley	<i>Amy Bakley</i>	208 791-4793	212331EST MAIN ST	9-18-24
9	Loreta Bezona	<i>Loreta Bezona</i>	208 5539724	0113 24 St	9-18-24
10	Michael Delp	<i>Michael Delp</i>	208 5539769	0113 24th St	9-18-24
11	ALLAN OIRF	<i>Allan O. Solom</i>	208-791-7242	0207-24th St.	9-18-24
12	Beverly Solom	<i>Beverly Solom</i>	208-790-5082	0207 24th St.	9-18-24
13	Scott Solom	<i>Scott Solom</i>	208 791 4821	Solom Solom	9/18/24

NO	PRINTED NAME	SIGNATURE	PHONE NUMBER	STREET ADDRESS	DATE
14	Rebecca Glover		509-596-9561	0115 23rd St.	9.18.24
15	Kirk Gustafson		208-305-5161	0115 23rd Street	09/18/2024
16	Harshinder Singh		208-746-3578	2405 main St.	09/19/24
17	Linda McFeron		208-743-5990	0125 24th St.	09/19/24
18	Robert Gault	Robert Gault	208-790-2037	0125 24th St.	09/19/24
19	Dick L Goodson	Dick Goodson	208-305-3196	0117 22 Street	09/19/24
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

We, the residents of 22nd and 23rd Street, are requesting a review and appeal of this Conditional Use Permit CUP24-3. This permit was issued to Michelle King for "The Village". Written info from the Planning and Zoning Reasoned Statement approving CUP24-3 will be copied for use in this appeal.

1. "Testimony was received from the neighbors of the area that the water and sewer lines were insufficient to support the proposed Village. Public Works staff member Pat Severance provided testimony that while he did not know the specifics of the water and sewer lines at issue, the impact of the proposed transitional housing village would be minimal and it is not anticipated that the proposed development would have a detrimental effect on the City's water and sewer systems in that area."

***The water and sewer lines are about 100 years old. This city has dug up to fix broken pipes at least every other year for the last 20 years. There are 12 big patches on 22nd Street. Five of them are on the last 100 feet of the dead end. Some were never truly patched just filled with gravel. The residences in the last 100 to 150 feet experience lowered water pressure daily due to use from the rest of the street. Adding another 13 bathrooms to the aging lines is going to cause more problems. Pat Severance did NOT have the proper info available to him to make his statement in support of the lines not having a "detrimental effect on the City's water and sewer systems in the area". He was put on the spot with no info in front of him when asked by the commission his OPINION. Due to this opinion, part of the decision was made to approve the CUP24-3.

2. "City staff indicated that a traffic impact statement will be required by the City's Public Works Department prior to building permit issuance. Said traffic impact statement will be evaluated for any potential traffic impact mitigation necessary from the establishment of the proposed Village. However, low traffic impact is expected from the proposed Village, as few of the residents are expected to have cars. The new parking required for the Village will be required to be paved, eliminating dust and gravel being tracked onto the street from the current dirt and gravel parking situation in that location."

***22nd Street is a mess and needs to be repaved. It cannot be done until the water and sewer lines are replaced. There will be an increase to traffic due to The Village. The fact that this is a dead-end street, all vehicles that come down the street use the driveway at 0229 to turn around. This affects the residents that live at that address and the use will increase.

22nd Street is also narrow. The fence around the house directly across from the proposed parking area sits about 2.5 feet from the edge of the road. Who is going to pay to fix the fence when residents, staff and visitors end up damaging that fence?

3. "However, there is concern amongst the Commissioners that none of the residential neighbors were in support of the application and oppose the loss of a City park. Despite this, it was repeatedly noted by several participants that the City park is not maintained as such, the playground equipment was removed a long time ago, and there does not appear to be any intention expressed by the City to re-develop the park for continued use as a public park."

***No one from the City of Lewiston has ever talked to the residents of the area about the park usage. The city made the decision to quit taking care of the park. Residents have gone to the city in person to ask about the park and never received any responses from anyone within the city. There is a 6-block area of residents, that would like the land returned to park status and taken care of. Usage will return if the park is maintained with basic playground equipment, picnic tables, and kept green. We deserve our child friendly park as much as any other area of the city.

4. "The Applicant provided a copy of its proposed use will not endanger the environment or the public health or safety. facility management plan with its conditional use permit application. The facility management plan covers staff training in how to manage various types of potential nuisance and peace disturbance behavior, including substance abuse, mental health crisis, violence or physical abuse, suicidal and criminal behavior, if encountered. The plan also includes a safety and security plan, which was prepared in conjunction with the Lewiston Police Department, in accordance with Lewiston City Code."

***The vetting of the residents for felony convictions is a moot point. Once a child turns 18 most of their criminal records are sealed. We have no idea what type of 18- to 21-year-old resident will be allowed to move into The Village. We have no assurances except the King's word. As an example: What happens if theft incidents start to climb? The Village will have absolutely no control over what these young adults can do once they step outside of the fence of The Village. This has been stated by the King's. The only control they have is inside the fence. There is also the issue that the friends and visitors of the residents of The Village could also bring problems and issues to the area. What accountability does The Village and the King's have if a resident, any associate of the resident or staff cause or create an incident of any type that affects a neighbor, that occurs outside The Village fence? Examples: trespassing, verbal confrontations, proven petty theft, property destruction.

5. Three minutes is NOT enough time for a citizen to be able to express and share all info for the Planning and Zoning Commission to understand what is trying to be conveyed. Yet, Michelle King is allowed as much time as needed to give her presentation. A “conversation” of everything listed in this appeal should have been allowed at the meeting. Again, three minutes is NOT enough time for a true conversation. We, the residents, are being forced by the commission to accept something that we do not wish to have in our neighborhood. Does our opinion and our worries not count? If the residents, are not supportive of this location for The Village, how does the “harmonious criteria” apply?

6. “Commissioner Iacoboni asked the applicant what would happen if the parking variance was not granted. Applicant King stated it would be devastating to the project.”

***We feel that this statement/comment potentially could have caused an emotional response for the project vote. This is another example of our concerns and voices being considered irrelevant.