



**Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
October 9, 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 25, 2024 MEETING MINUTES (ACTION ITEM)

- B. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS ON 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 ()

- C. CONTINUATION OF 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 ()

- D. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR VARIANCE APPLICATION VAR24-2 BY DK HOLDINGS LLC:** The applicant requests variance approval to waive the following Zoning Code small lot development standard of Lewiston City Code Section 37-33(d)(5): "Except on a flag lot, for a home with an attached garage, the garage wall with the garage door shall be recessed at least four (4) feet from the adjoining habitable space wall of the home." The applicant proposes, instead, that the garage wall with the garage door project twenty-four feet in front of the adjoining habitable space wall of the home. This is proposed for all lots and homes within the Canyon Crest South Addition to the City of Lewiston-a subdivision of 53 lots on 9.4 acres located at the northeast corner of 18th Street and Airway

Avenue. - Action Item ()

IV. STAFF-COMMISSION COMMUNICATIONS

**A. QUERY OF COMMISSIONERS TO ATTEND THE OCTOBER 23, 2024 MEETING
(REASONED STATEMENTS)**

V. ADJOURNMENT - Action Item

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

September 25, 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; Kathy Branson; Shaunita Cable; Maureen Anderson;

COMMISSIONER EXCUSED: Emily Wolf

COMMISSIONER ABSENT: Kevin Kelly

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

II. CITIZEN COMMENTS

Linda Glines, Lewiston, Id Stated Commissioner Iacoboni did not disclose that he was on one of Michelle King's boards and his support for her project before the original discussion is a conflict of interest. Due to the conflict of interest the CUP should be voided. The process should start over and Commissioner Iacoboni should recuse himself. She stated that she spoke with several City staff who misdirected her on how to appeal the Planning and Zoning Commissions decision. She has acquired 49 signature from the neighborhood that do not want the Village there. It will cause problems for the people that live there and this project.

Rick Glines, Lewiston, Id stated he opposes the CUP for the Village project. The area is cleaned up, so there are no more crimes or drugs. The adults and visitors from the Village will be wandering the streets after it closes. He doesn't want to worry about possible theft or vandalism. There are young adults in Pullman that were raised in good homes and were burning couches. Are the young adults from the Village who are coming from broken homes going to act any different.

Mike Bann, Lewiston Id stated he has multiple signatures in opposition of the CUP. He is concerned about the value of his home going down. He is also concerned with theft and the youth wondering around the streets after the Village closes. There are other locations better suited for this project.

Tom Valpey, Lewiston Id stated he is concerned that the valuation of his property will go down.

Linda Valpey, Lewiston Id stated she is opposed of the CUP for the Village. It doesn't seem fair that the people that do not live in their neighborhood can vote on this that would bring property value down.

Jim Watson, Lewiston Id stated the neighborhood is already suffering and neighbors are willing to sell their houses right now to get out before their property value goes down. They ask that the Village not be built.

Bill Kessle, Lewiston Id stated he is opposed to the CUP for the Village as well. He is concerned for when the Village fails and the City has to take on the cost of what is left.

Boston, Lewiston Id stated he does not think this is an adequate spot for the Village. The 18-20 year olds will be wondering the streets and his houses are located at the end of 22nd Street where river access is and this will be a popular hangout. He is also concerned with safety and theft. The location should be turned back into a park.

Jennifer Squires, Lewiston, Id stated there is age discrimination going on because there are people older than 21 that need housing. She is also concerned for when the bikers have parties at the shop. Police do not do anything to stop them.

Dustin Squires, Lewiston Idaho stated he is opposed to the CUP for the Village. It will be a negative impact on the neighborhood and property values

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

Commissioner Branson and Anderson moved and seconded, respectively, approval of the September 11, 2024 meeting minutes as written. The motion carried 5-0.

IV. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS ON APPLICATION ANX24-2, CPA24-3 AND ZNC24-3 BY CODY MERRELL (ACTION ITEM):

Commissioner Anderson and Vice Chair Iacoboni moved and seconded, respectively, to approve the reasoned statement for ZNC24-3 as written. The motion carried 5-0.

V. 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):

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.

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

Applicant Sara Bennett stated she did not have anything further to elaborate on then what staff provided.

Chair Ball asked if staff from the center will be moved to the new building to provide more room for clients at the old building.

Applicant stated yes that is correct.

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

Jeremy Medlock, Lewiston, Id wanted to make sure that this is not going to be a sober living house. There have already been problems with homeless and crime in the area.

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

C. Mike Reid, Lewiston Id stated "We have a property at 1730 18th St. that is in close proximity to Riverside Recovery at 1720 18th Ave. and have no objection to their application for a conditional use permit for expansion at 1708 18th Ave."

There being no further public comment, Chair Ball asked the applicant for their rebuttal.

Applicant Bennett stated there is no plan to change the use from that stated in her application.

Chair Ball asked if their service houses clients over night or have plans to change the use at a later date.

Applicant Bennett stated no.

There being no further questions for the applicant, Chair Ball closed the Public Hearing.

After discussion of the required conditional use permit relevant criteria and standards, Commissioners Branson and Anderson moved and seconded, respectively, to direct staff to draft a Reasoned Statement approving CUP24-4. Motion passed 5-0.

VI. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR ZONE CHANGE APPLICATION ZNC24-4 BY CHRIS CLARK (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.

City Attorney Jennifer Tengono ask for clarification if section 37-10 was taken into consideration when creating the staff report.

Staff Hollingshead stated she assumed that City Planner Joel Plaskon took that into consideration when he created the staff report.

Chair Cable asked for square footage of lot size.

Staff Hollingshead stated it is .42 of an acre or about 18, 300.

Chair Ball asked clarification for City Attorney Jennifer Tengono to clarify the zoning code she referenced to get clarification.

Staff Tengono stated section 37-10 states its zone boundaries says, unless otherwise specified. Zone boundaries are section lines, subdivision lines, plot lines, center lines of streets, alleys, or railroad rights of way for such lines extended. She doesn't know if that was considered because it seems more that it's based on a division of a building, but it says, unless otherwise stated, unless otherwise specified, so it could be specified otherwise in the code.

Chair Ball asked if this would be a subdivision.

Staff Hollingshead stated no it is just a re-zone of a portion of the property.

Chair Ball asked if parking would be in more conformance with the commercial or the residential side.

Staff Hollingshead stated both because the amount or required parking would be less.

Chair Branson asked for clarification on regards to paragraph on page 62 referring to a shortage of housing.

Staff Hollingshead stated that under the Comprehensive Plan section he is calling out specific things that the Comprehensive Plan states in that area and telling how they differ than that. Because the proposal does not meet it 100% of the Comprehensive Plan.

Commissioner Anderson stated she thinks this re-zone should be able to receive more clarification on what Staff Tengono mentioned in regards to section 37-10.

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

Applicant's representative Architect Jerry Brotnov stated they cannot keep it full commercially. There is not enough parking for retail. He clarified what section would be R3 and that it does touch an R3 zone to the south. He has never noted any standing storm water on the property.

Commissioner Branson asked if R3 allow commercial and could the whole building be an R3 zone.

Mr. Brotnov stated part of the building is already occupied commercially. This project will be all and interior build, some egress window installation.

Chair Ball asked if there is going to be parking separating commercial from residential.

Mr. Brotnov stated that if the parking became problematic then assigned parking could be done.

Staff Hollingshead stated commercial office use is not allowed in an R3.

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

Michael Edwards, Lewiston Id stated that there has been difficulty between him and the previous owner in regards to property lines, access, fencing and the building is built on the property line.

There being no further public comment, Chair Ball asked the applicant for their rebuttal.

Applicant Clark stated he was not aware of any of the background information Mr. Edwards provided. The reason for the re-zone is to put residential housing and there is a large need for that in the valley. Will see more of this coming this way. The re-zone is

an extension off the existing zone. There are existing doors coming off the back of the property and they will most likely put patios back there also.

Chair Ball asked if the Thain corridor will remain a C3 Zone in the Future Land Use Map Designation.

Staff Hollingshead stated that is not how the future land use map works. It doesn't call out specific zones it calls for use designations. It will remain a commercial use designation.

Stall Tengono recommended leaving the public hearing open until the next meeting, so staff can provide answers to all the Commissioner's questions.

Commissioner Branson and Anderson moved and seconded, respectively to continue the public hearing until the next Planning and Zoning Commission meeting. Motion passed 5-0.

VII. 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 (ACTION ITEM)

Chair Ball asked Staff Tengono to provide staff presentation of Request for Consideration.

Staff Tengono provided Commissioners a copy of Lewiston City Code Section 37-185. She stated public comment was received earlier at today's meeting and that is not in consideration of this request. She provided verbal summary of public hearing, relative criteria and process of request of reconsideration and appeal in regard to CUP24-3. Staff also reviewed reasons provided by Mrs. Glines for the Request of Reconsideration.

Commissioners reviewed and discussed applicants concerns, deciding if the substantial evidence received supported their decisions to approve the application.

After discussion, Commissioner Branson and Chair Iacoboni moved and seconded, respectively, to direct staff to draft a written statement affirming the Planning and Zoning Commission's decision to approve Conditional Use Permit CUP24-3. Motion passed 5-0.

VIII. STAFF-COMMISSION COMMUNICATIONS

A. Query of Commissioners for the October 9, 2024 meeting

Staff Hollingshead stated there is a Public Hearing scheduled for the October 9, 2024 meeting.

All present Commissioners shall be in attendance at the October 9, 2024.

IX. ADJOURN

There being no further business, Commissioner Anderson and Vice Chair Iacoboni moved and seconded, respectively, to adjourn. The motion carried 5-0 and the Planning and Zoning Commission meeting adjourned at approximately 8:27 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 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:**
CUP24-4
- II. **APPLICANT'S NAME AND ADDRESS:**
Sara Bennett
3621 12th Street
Lewiston, ID 83501

Dorothy Rassmussen, Co-Personal Representative
Estate of Charles Bert Crawford
32590 S. Morcom Street
Woodburn, OR 97071
- III. **IDENTIFICATION AND/OR LOCATION OF :**
1708 18th Avenue
Lewiston, ID 83501
- IV. **DATE OF PUBLIC HEARING:**
September 25, 2024
- V. **NAME OF HEARING BODY:**
Lewiston Planning and Zoning Commission
- VI. **NATURE OF SUBJECT CONDITIONAL USE PERMIT APPLICATION:**
The applicant requests Conditional Use Permit approval for the intensification or expansion of a legally established commercial use, Riverside Recovery, LLC, located at 1720 18th Ave, in the Medium Density Residential, R-3, 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.
- VII. **DECISION:**
The Lewiston Planning and Zoning Commission **APPROVES CUP24-4.**

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:

None.

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
- (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:

Testimony was received from Jeremy Medlock, a resident within 330 feet of the proposed CUP application, that so long as the conditional use permit application did not permit Riverside Recovery, LLC to operate a sober living facility, he would not oppose it. He did note that it was his belief that the current facility brought in a lot of homeless people to the area and increases in petty crimes like property theft and trespassing. There was discussion from the Applicant, Sara Bennett that the intention is to use the facility at 1708 18th Avenue for office space.

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 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:

The Subject Property is a 7,100 square foot lot containing a single family dwelling and some accessory structures. Properties to the east include the office of Riverside Recovery, LLC ("Riverside"), the Lewis Clark Early Childhood campus, and the office of Troy Insurance. The Applicant indicated that the application was intended to expand the existing commercial use of Riverside to the adjacent property at the Subject Property. The house would be used for staff offices for existing employees, noting that no additional employees would be hired. The hours of operation will be the same as Riverside's (8:30 am to 5:30 pm, Monday through Friday, as stated in the application). The Applicant further provided that it is not anticipated that traffic volume would increase as a result in the change of use of the Subject Property

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUP24-4

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from a residential home to offices. Client parking is currently designated at the back of the Subject Property. If additional parking stalls are eventually required, the parking area may become a “parking lot” per Lewiston City Code (5 or more parking stalls), 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 approval of CUP24-4.

The Commission agreed that the proposed office use would not generate nuisances and that the daytime office hours would not be burdensome to the neighborhood since the Applicant is merely moving offices from one building to another. The Commission noted that the applicant had a plan for additional off-street parking, which would be addressed during the building permit process. The Commissioners further noted that Riverside has operated on the adjacent property for more than 20 years without major impact to the neighborhood, so it was not anticipated that expansion of their offices into the neighboring property would create new nuisances.

2. The proposed use is a public necessity **and is** justified by the applicant and deemed to be of benefit to the public. Applicable commentary:

Riverside has held a business license at 1720 18th Avenue since 1999. It offers outpatient mental health and chemical dependency services and support to members of the community. The Applicant proposes to convert the single family dwelling at 1708 18th Avenue into office space for its existing employees. The R-3 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 Commission agreed that mental health and drug addiction counseling resources are limited in the Lewis-Clark Valley and that additional mental health services are needed. The Commission noted the longevity of Riverside shows a commitment to providing these services to the community and supporting the expansion of these services will be a benefit to the community. Further, by expanding offices into the Subject Property, Riverside may be able to provide its clients additional privacy, which could encourage more people to seek its services.

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” (PSFU 2.1) 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). The Commission agreed that Riverside provides this exact type of programming for our community.

The City Staff Report, incorporated herein, further identified PSFU 1.3, which provides that the City should bring transit and healthcare together. The City Staff Report provides that 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 an 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, is approximately two blocks away from the Subject Property. It was noted that the location of Riverside and the Subject Property, being two blocks away from a transit stop that serves both the East Route and West Route, allows for clients and community members who may not have access to personal transportation easier access to the services

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provided by Riverside. The Commission agreed that its location near public transportation would make it easier for community members to access Riverside and its resources.

3. The character of the proposed use, if developed according to the plan as submitted, **will** be in harmony with the area in which it is to be located. Applicable commentary:

The City's Staff Report, incorporated herein, provides that the Subject Property is located in the Medium Density Residential, R-3, Zone and contains a single family dwelling and a few detached accessory buildings. The Applicant proposed to convert the single-family dwelling on the Subject Property into office space for the existing staff of Riverside, located on the adjacent property at 1720 18th Ave. The R-3 Zone allows for expansion of commercial uses exceeding 10% of the building area for those business that were legally established and licensed for business occupation through the conditional use permit process. The Subject Property is one of two (2) single family dwellings remaining on the south side of 18th Avenue between 17th Street and 21st Street. The single family dwelling at 1822 18th Avenue (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).

The Commission heard testimony from Jeremy Medlock that he was concerned that the single-family dwelling would be converted into a sober living house. The Applicant, Sara Bennett, stated that the proposal was to convert the single-family dwelling into office space, as stated in the application. The Commission asked Mrs. Bennett if Riverside Recovery currently houses clients, and she stated that they do not provide housing to clients.

The Commission agreed that the expansion of a service that was already located in this neighborhood would continue to be in harmony with the neighborhood and that the longevity of the existing business (Riverside) demonstrated a commitment to the community and being a good neighbor. The Commission also noted that the neighborhood was already of a mixed-use nature with the Lewis Clark Early Childhood Program campus being adjacent to the Subject Property, as well as a funeral home and insurance office being in close proximity. The Commission agreed that the Future Land Use Map designation of Community Commercial was already occurring in this neighborhood due to the mix of both commercial and residential uses already present.

4. The proposed use **will not** endanger the environment or the public health or safety. Applicable commentary:

The Applicant noted in the application for CUP24-4 that the house at 1708 18th Avenue was previously used as the primary residence of the prior owner, Charles Crawford, so it currently has public facilities and utilities, such as water, power, garbage and sewer, at the Subject Property. The Applicant further

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUP24-4

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indicated that a stormwater detention and drainage area exists in the alley at the back of the Subject Property. City Staff confirmed the Subject Property is served by City of Lewiston sanitary sewer and water services. The Commission agreed that converting the single-family dwelling currently on the property to office space would not endanger the environment or public health or safety.

The City's Engineering Division of Public Works did not oppose CUP24-4. The Lewiston Fire Department provided comment that "[the] Facility shall comply with the requirements of a change of occupancy (from R3 to B) per the IFC and IBC," and did not otherwise oppose CUP24-4.

The Commissioners noted that while there are concerns related to increased foot traffic and homeless individuals in the neighborhood, they were unable to determine whether this was directly related to Riverside itself or other unrelated reasons. The Commissioners again noted Riverside's longevity in the same location in support of the determination expansion of its current facility into the Subject Property would not have an adverse impact on the environment or safety of the neighborhood.

5. The proposed use **will** be in substantial conformance with the Comprehensive Plan. Applicable commentary:

The Subject Property is a 7,100 square foot parcel located on the west side of the Applicant's current property at 1720 18th Avenue. The Subject Property is identified in the Comprehensive plan as having a Future Land Use Map (FLUM) Designation of Community Commercial. It is currently surrounded by 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 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.

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

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.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR CUP24-4

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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.

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.

The Commissioners agreed that CUP24-4 will be in substantial conformance with the Comprehensive Plan because it meets the standards and criteria identified, and the proposed use is otherwise in conformance with Lewiston City Code for the reasons mentioned above.

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:

The City's Engineering Division of the Public Works Department had no objections to CUP4-4. The Lewiston Fire Marshall noted that the proposed facility shall comply with the requirements of a change of occupancy (From R3 to B) per the International Fire Code and the International Building Code, but did not otherwise object to CUP24-4.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR CUP24-4

Political subdivisions were solicited for comment, and no objections were received regarding the ability to provide services from any other political subdivision. The Commissioners noted that if a political subdivision opposed the application or otherwise was not able to provide services it would have provided comment.

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: An applicant or affected person may file a written request for reconsideration with the City Clerk to request that the Planning and Zoning Commission reconsider its final decision within fourteen (14) calendar days by 5:00 p.m. on the fourteenth (14th) day after the Planning and Zoning Commission has adopted this Reasoned Statement of Relevant Criteria and Standards. The written request for reconsideration shall include, at a minimum, the following information: (i) the name and address of the applicant or affected person requesting reconsideration, (ii) the specific deficiencies in the decision for which reconsideration is sought, and (iii) a description of any procedural injury or substantial harm to real property interest(s) suffered as a result of the decision, all in accordance with Lewiston City Code § 37-185(b)(1). A form may be obtained from the City Clerk. A request for reconsideration shall be a mandatory exhaustion of an applicant or affected person's administrative remedies prior to the filing of an appeal of the Planning and Zoning Commission's decision to the City Council.

Within fourteen (14) calendar days after the Planning and Zoning Commission has adopted its written decision on reconsideration, an applicant or affected person may file with the City Clerk a written notice of appeal to the City Council, in accordance with Lewiston City Code § 37-185(c). A form may be obtained from the City Clerk. The written notice of appeal shall include, at a minimum, the following information: (1) the name and address of the applicant or affected person, (ii) identification of the section(s) of the Lewiston City Code or applicable state or federal law(s) that has been incorrectly applied or violated and a description of how they have been incorrectly applied or violated, and (iii) a description of the real or potential prejudice to a substantial right of the applicant or affected person. The fee required by Lewiston City Code § 37-188 shall be deposited with the City Clerk within the fourteen (14)-day period. If an appeal is not filed and/or the fee required by Lewiston City Code § 37-188 is not deposited within the fourteen (14)-day period, then the decision of the Planning and Zoning Commission shall be final.

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 Reasoned Statement of Relevant Criteria and Standards 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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUP24-4

Page 7 of 8

ordinance, as described above, seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

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) 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.

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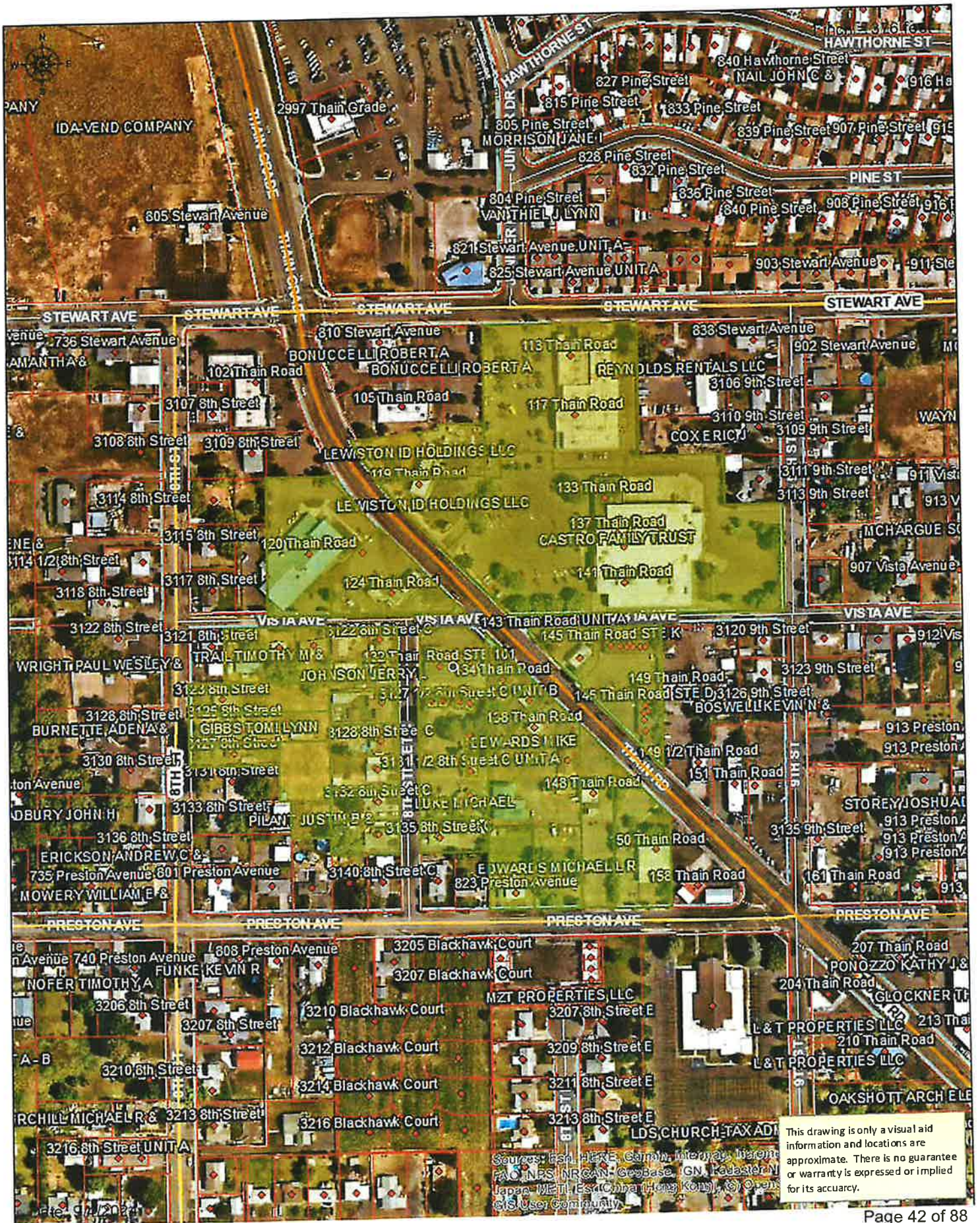
Any person (or persons) aggrieved, may support or oppose the Applicant's request. Persons receiving this notice are encouraged to provide testimony/comment.

For further information on the above zoning action, the public hearing process, or appeal process, please contact the Community Development Department at (208) 746-1318, ext. 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.

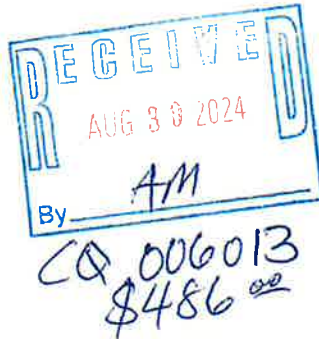
Notice of this public hearing was mailed on **September 6, 2024** and **54** persons were noticed.

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
JOSHNICK LLLP		3184 ELDER ST	BOISE	ID	83705
GOSSSELIN 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:	ZNC24-4
Hearing Date:	9/25/24

APPLICATION FOR ZONE CHANGE

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

APPLICANT INFORMATION

Full Name: 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

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

- GROUP B
 - BASIC ALLOWABLE FLOOR AREA 8,000 SQ. FT.
 - 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

- BUILDING AREA = 6,839 DIVIDED BY 16,000 = 0.427
- $0.427 < 1$ (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.

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

- B. REQUIRED NUMBER OF SPACES

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

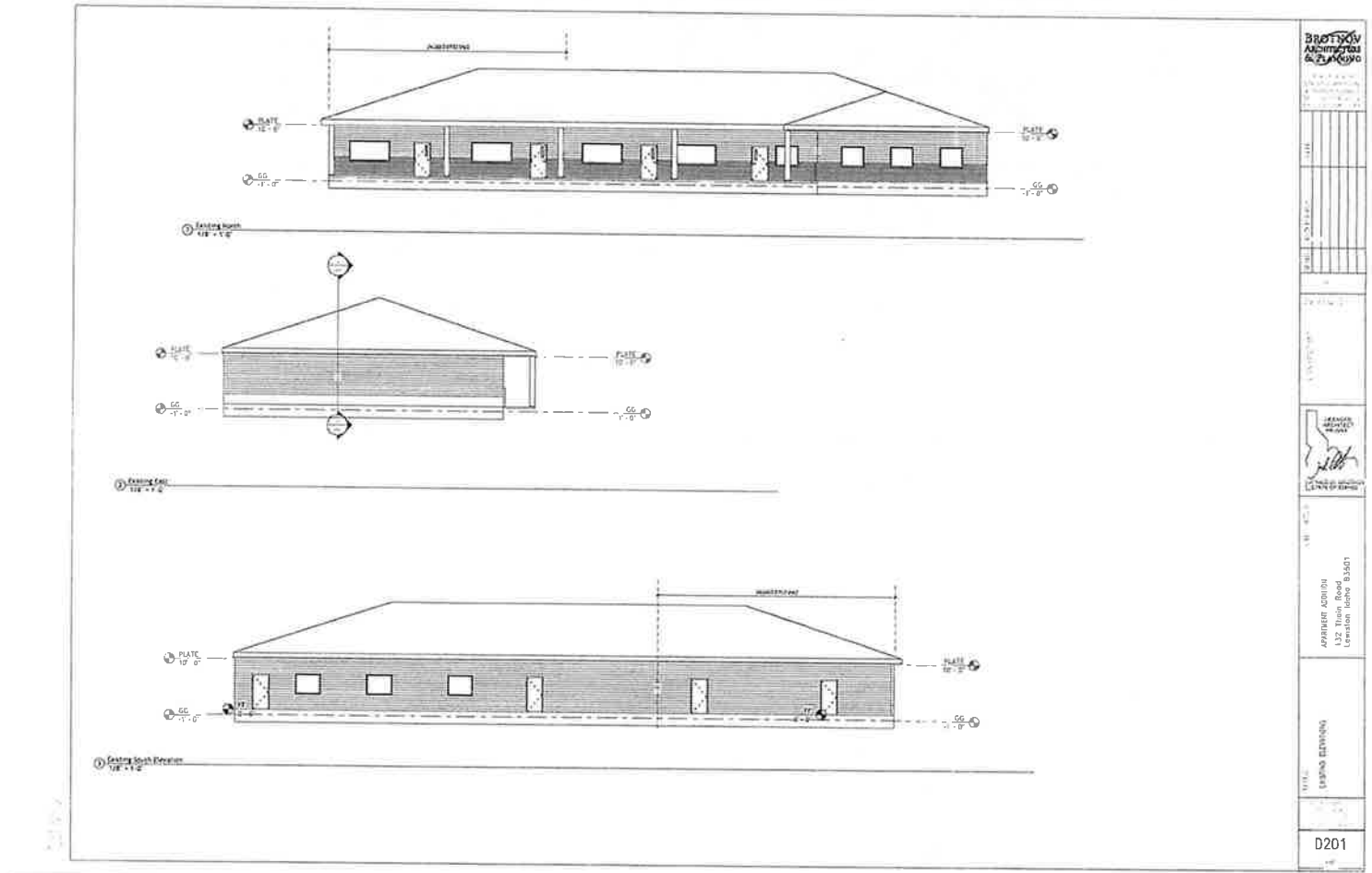
- C. TOTAL NUMBER OF SPACES PROVIDED = 22 SPACES

- 22 SPACES = 22 SPACES (ALLOWABLE)

VI. LANDSCAPING REQUIREMENTS

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

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





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
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	between residents and needed services.
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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.
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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.
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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 to ensure relevant commercial and mixed uses are allowed where appropriate.
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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.

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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)

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.

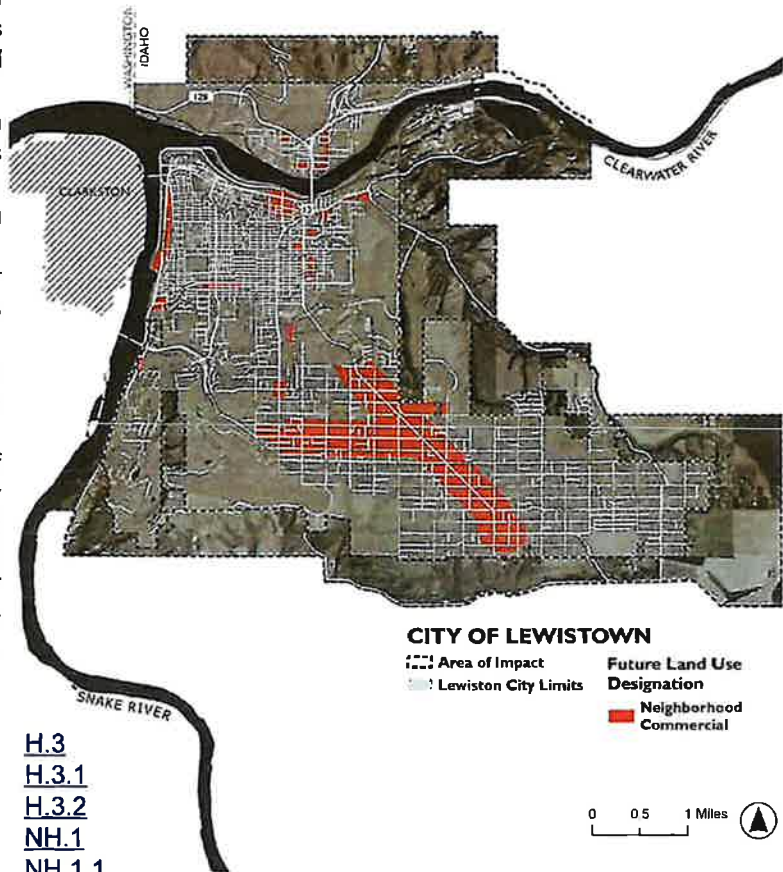
Examples

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.

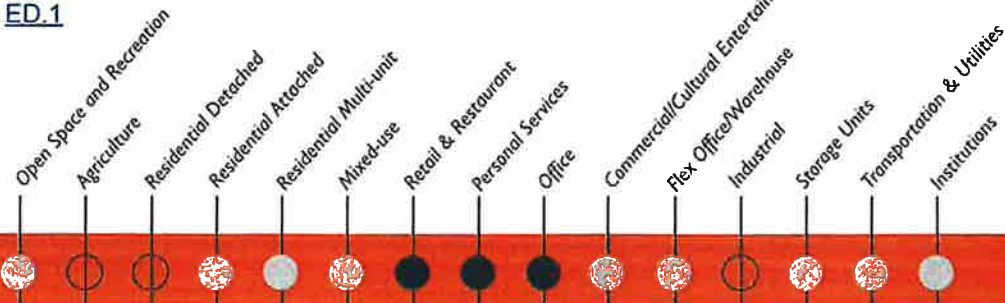


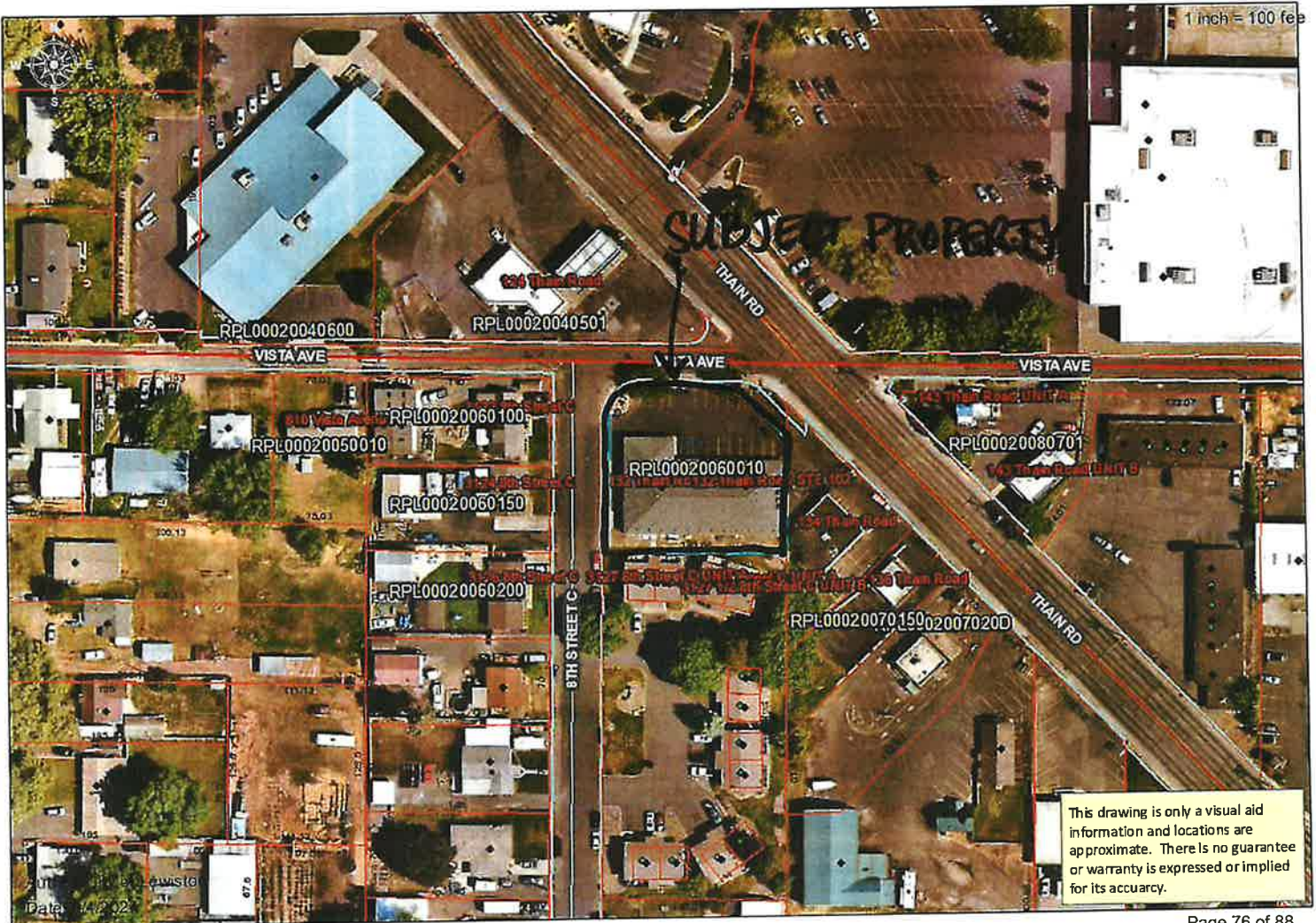
Policy Basis	LU.2	ED.3	H.3
• CC.3	• LU.2.1	• ED.3.1	• H.3.1
• CC.3.1	• LU.2.2	• ED.3.2	• H.3.2
• LU.1	• LU.2.3	• ED.4	• NH.1
• LU.1.1	• TC.2.5	• ED.4.2	• NH.1.1
• LU.1.2	• TC.3.2	• ED.4.3	
• LU.1.3	• ED.1		

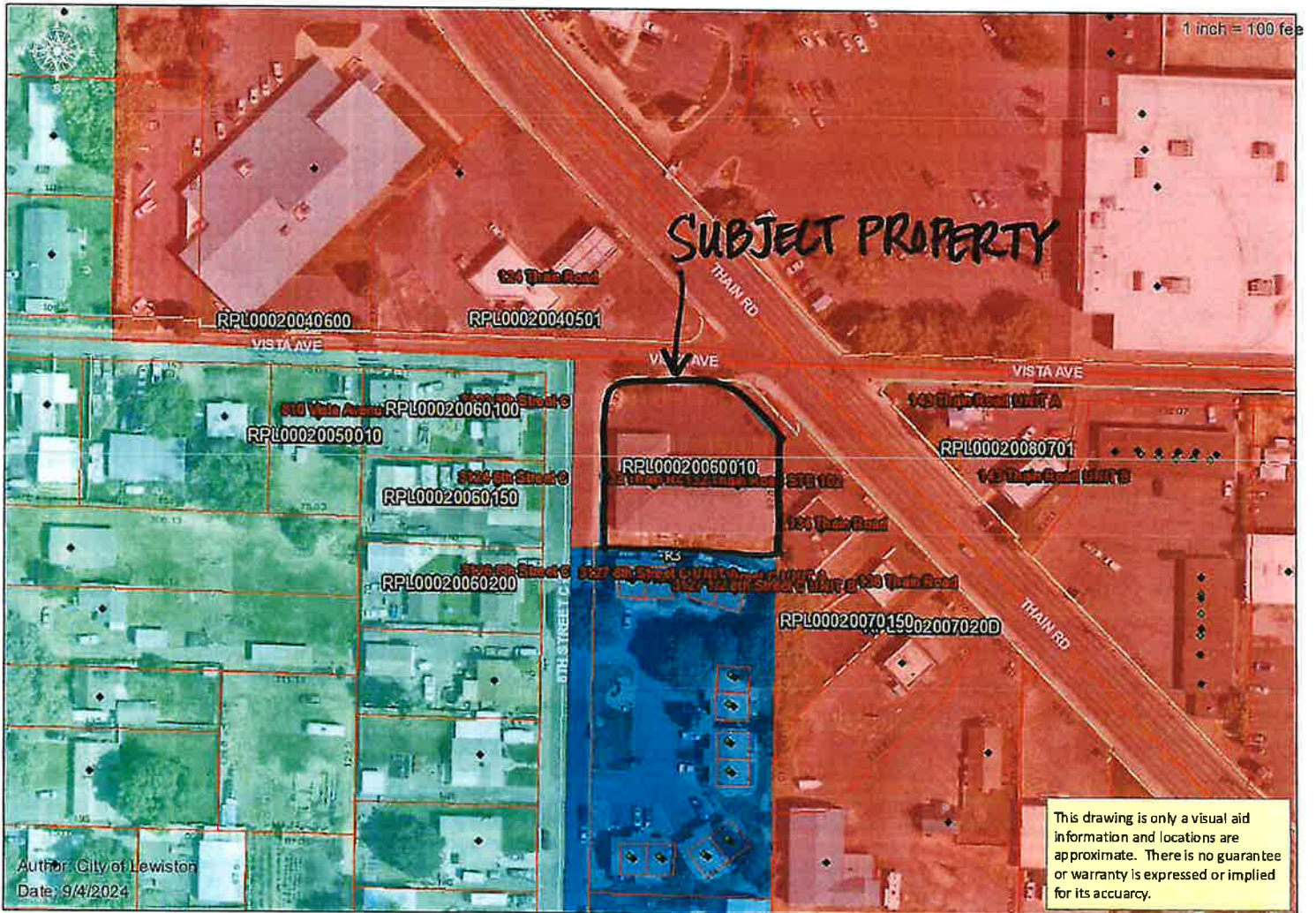
Primary Use

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

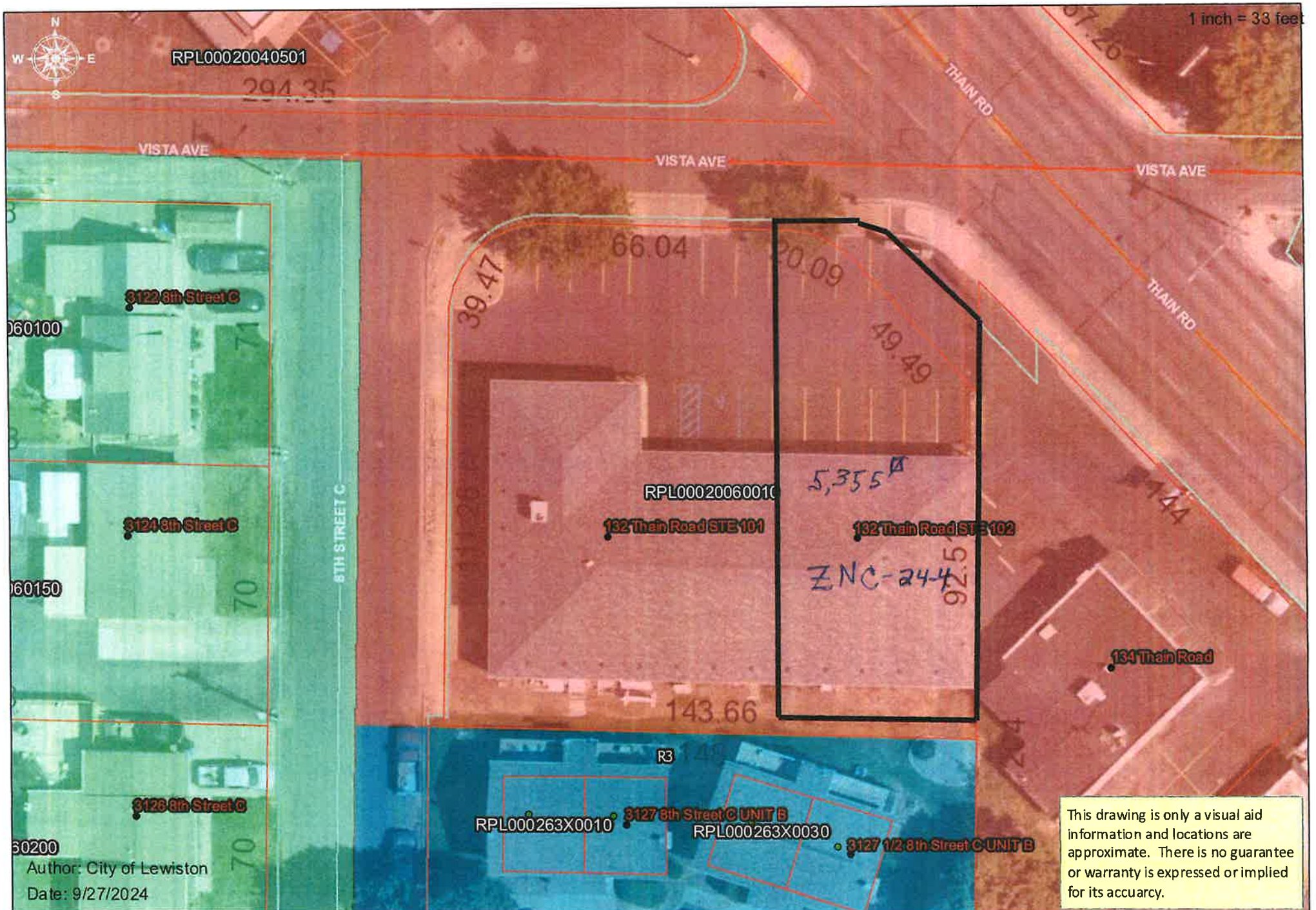
Page 2 of 3

Date of Signature: _____

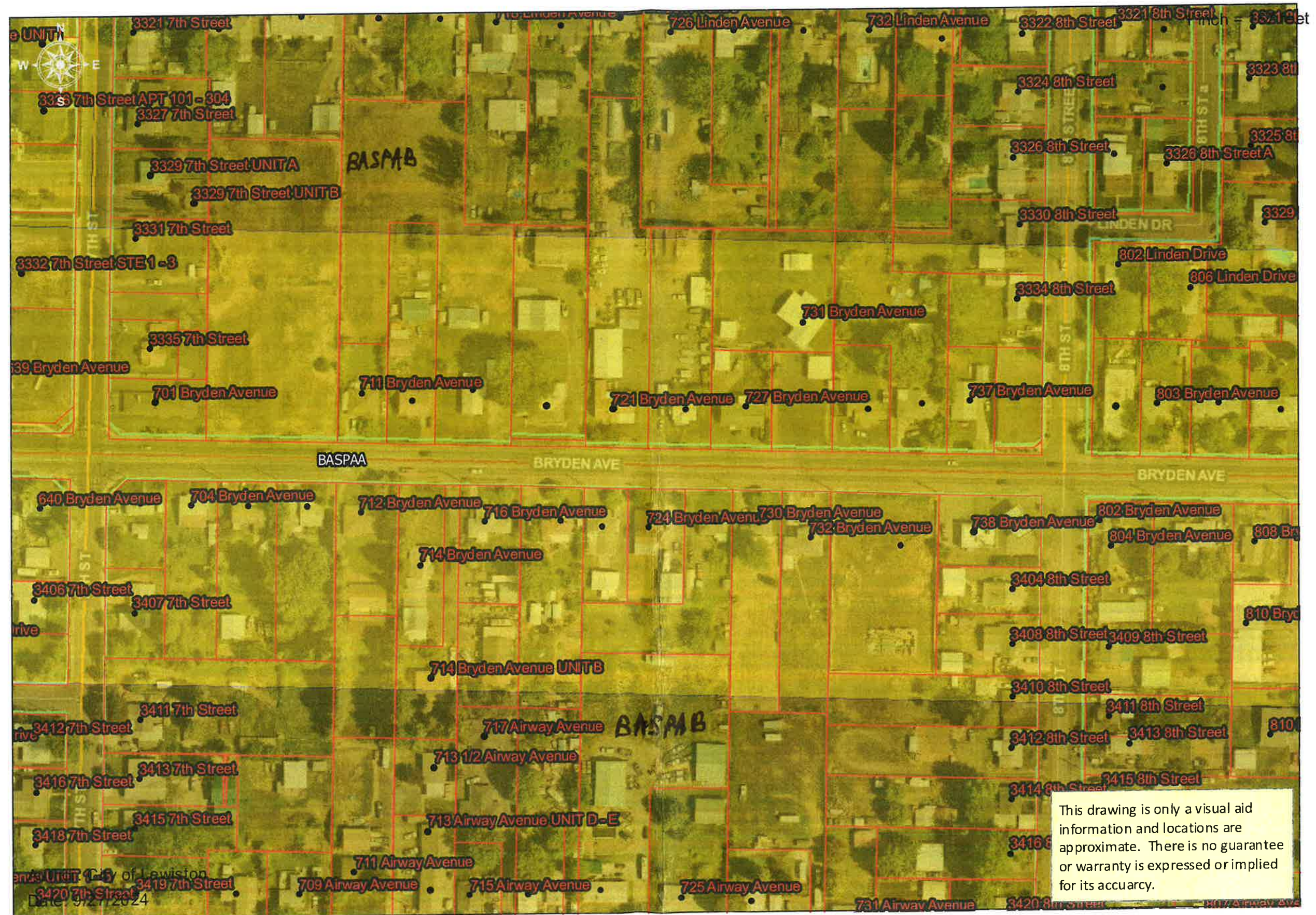
ATTEST: _____
Tanya Brocke, Community Development Specialist

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNCxx-xxxxxx
Page 3 of 3

City of Lewiston



City of Lewiston





132 Thain Road Proposed **R3 Zone Extension** from bordering R3 zone to the South.

Notes:

1. We are not creating a subdivision. Owner cannot sell of portions of the property.
2. The proposed zoning (C3 to R3) does not create an island.



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)

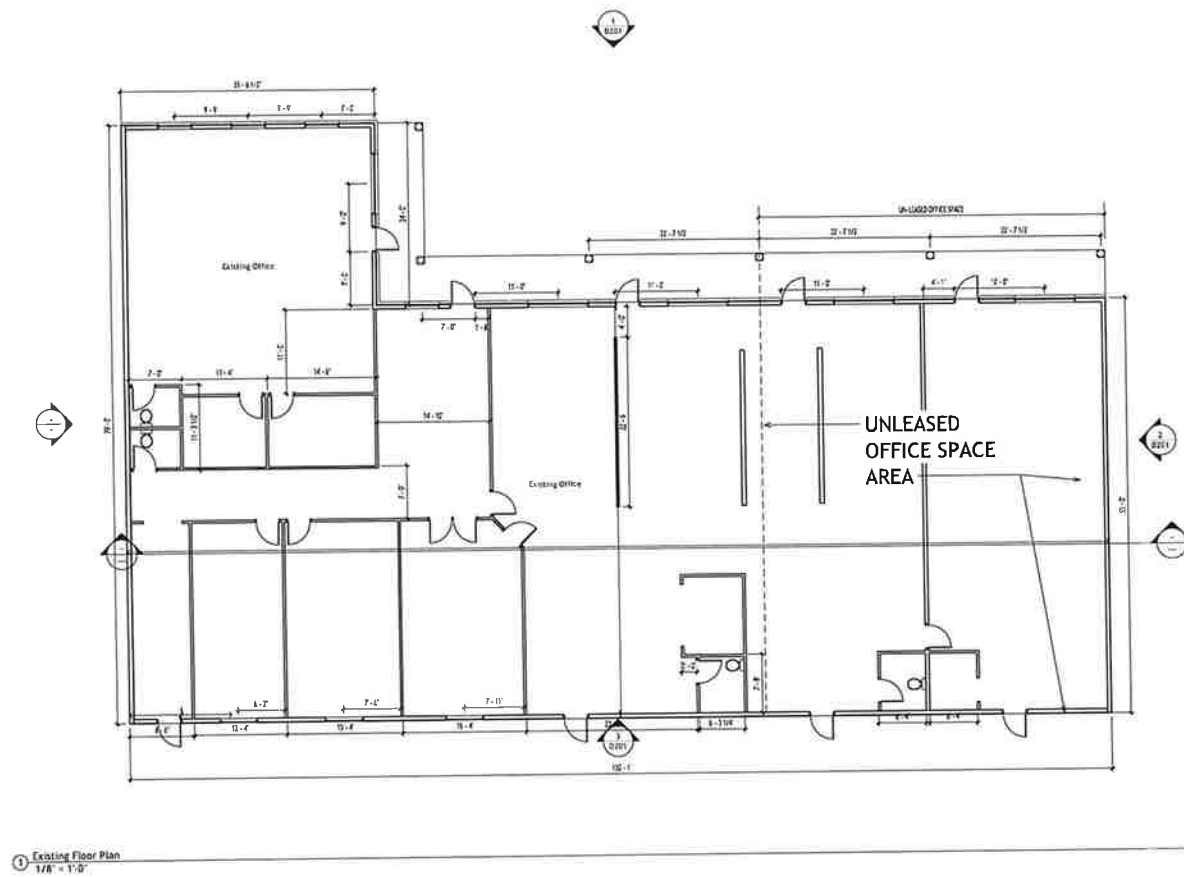
Proposed Office Area: 4,757 SF/250=19

Proposed Residential Area: 2,657 SF

One space per bedroom (3)

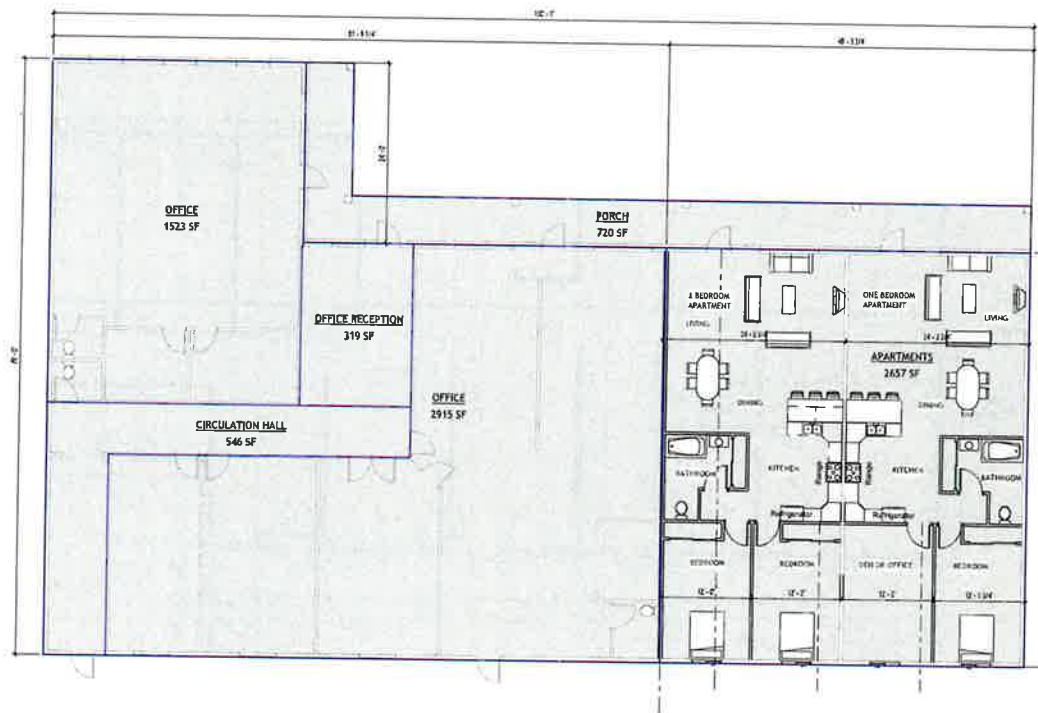
Proposed Hallway Circulation: 546 SF

SK2



8/28/2024
1: 08.04 PM

① FF
1/8" = 1'-0"



**BROTNOY
ARCHITECTURE
& PLANNING**

700 N. 12th St.
SHEEOGAP, ID 83401
P: 208-786-2112
F: 208-786-2113
E: info@brotnoy.com

DATE	DESCRIPTION

28 AUG 24

CONSULTANTS

LICENSED ARCHITECT
AR-2260
[Signature]
LEONARD W. BROTONY
STATE OF IDAHO

4054
APARTMENT ADDITION
132 Thorn Road
Lewiston Idaho 83501

TITLE:
ADD 2 APARTMENTS

1/8" = 1'-0"
34" x 22"
"REDUCED SCALE"

SK1

08"

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

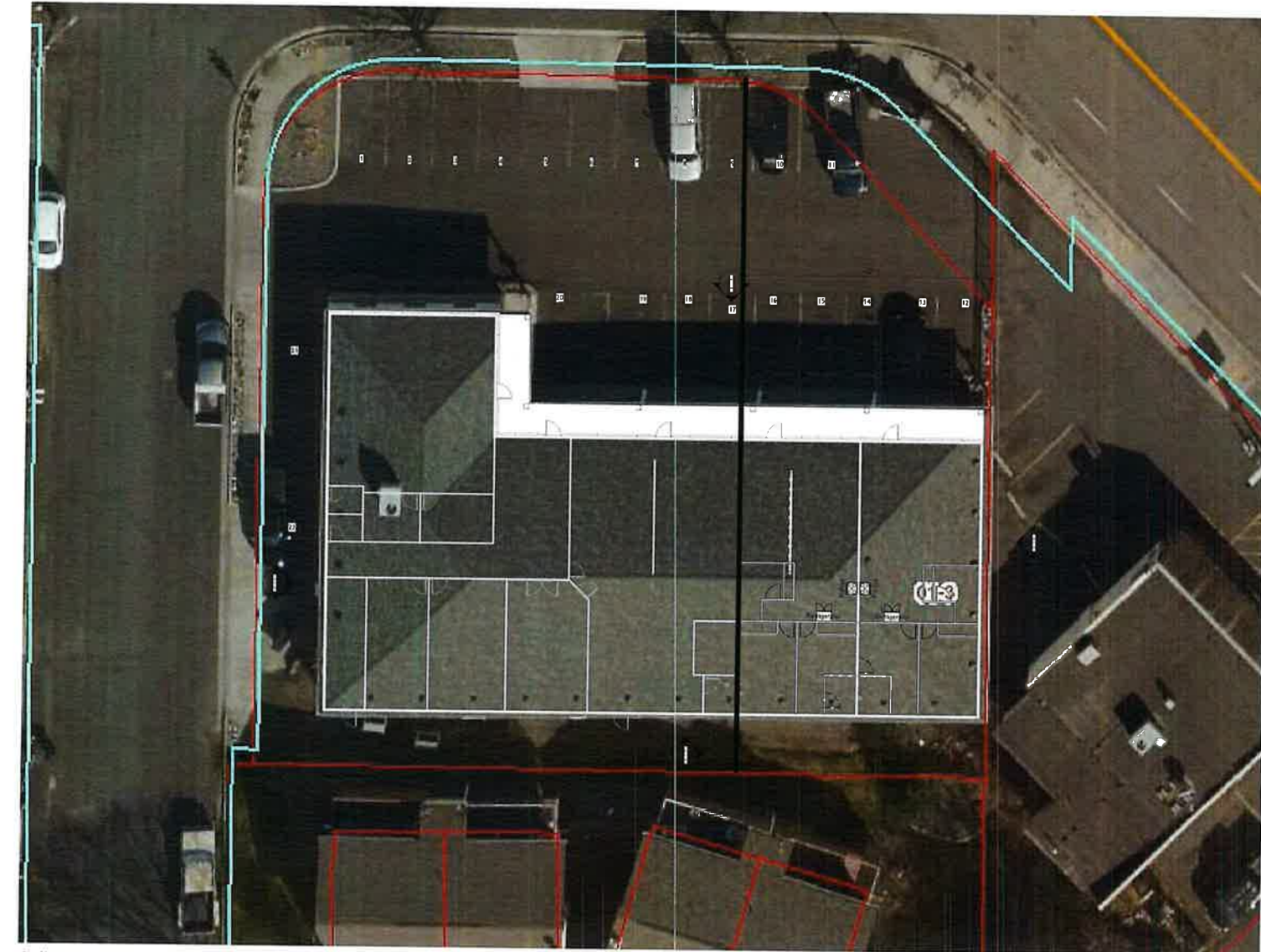
1. 22 SPACES = 22 SPACES (ALLOWABLE)

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) | |

8/23/2024
1:45:22 AM



1 Site Plan
1" = 10'-0"

BROTHOV
ARCHITECTS
& PLANNING

200 E. 12th St.
STREETSIDE PLANNING
600 SHAWANEE AVE
ST. LOUIS, MO 63101
P: 314-726-2012
F: 314-726-2013

DATE	REVISION	DATE

29 AUG 24

CONSULTANT

LICENSED
ARCHITECT
AR 2268
[Signature]
BROTHOV ARCHITECTS
STATE OF IOWA

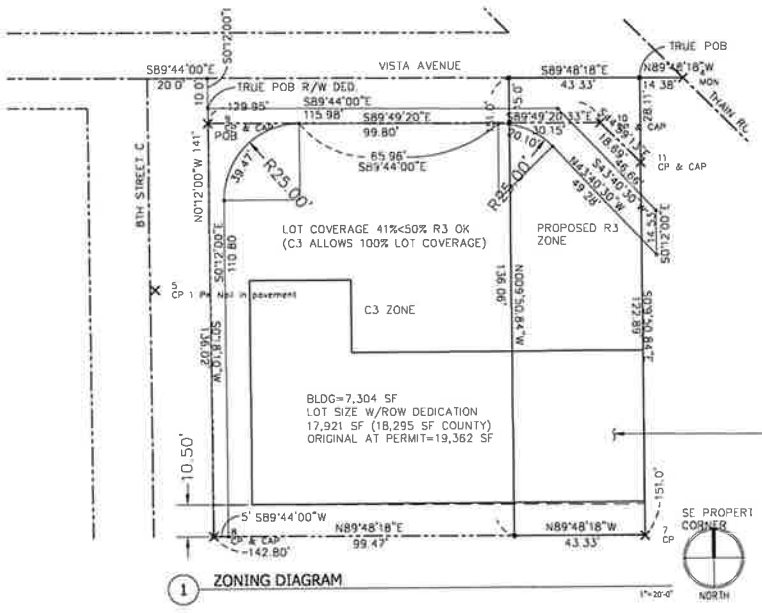
4051
APARTMENT ADDITION
132 TWIN ROAD
LEWISTON IOWA 52551

TITLE
SITE PLAN

in plan only as
C101 - Final
8/23/2024
"PREPARED BY ARCHITECT"

C101

4051



Commencing at the intersection of Thain Road and Vista Avenue thence N89°48'18"W a distance of 14.38' to the TRUE POINT OF BEGINNING; thence S0°9'50'84"E 151'; thence N89°48'18"W a distance of 43.33'; thence N0°9'50.84"W a distance 151'; thence S89°48'18"E a distance of 43.33' to THE POINT OF BEGINNING

BROTHOV
 ARCHITECTURE
 & PLANNING
 734-1/2 5TH
 STREET, CLARKSTON
 WASHINGTON 99403
 TEL: 509-734-2377
 FAX: 509-734-2641

MARK REVISIONS:	DATE
A. AND 2/8 DED. ENRIE A	27 SEPT 2024
B. DC & S. BLACK	

DATE: 20 SEPT 2024

CONSULTANTS

STAMP

LEWIS & CLARK

ARCHITECT

NO. 120

LEWIS & CLARK

STATE OF IDAHO

JOB: 4054

JOB: APARTMENT ADDITION

132 THAIN ROAD

LEWISTON IDAHO 83501

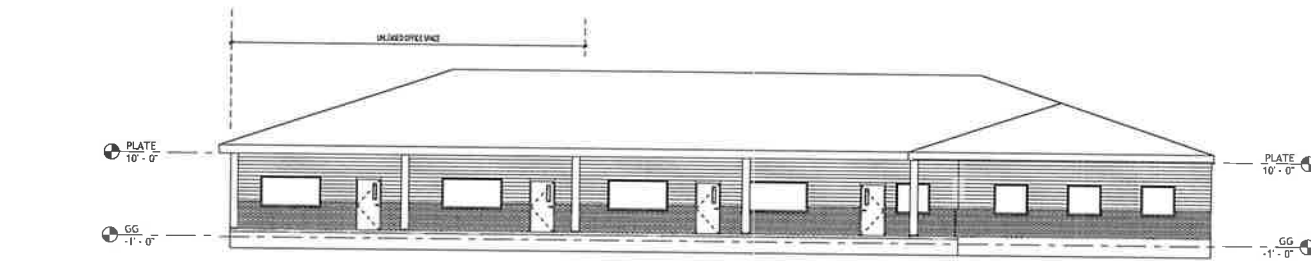
TITLE: LOT 6 ZONING DIAGRAM

IF DRAWING IS LESS THAN 14" x 22" "REDUCE SCALE"

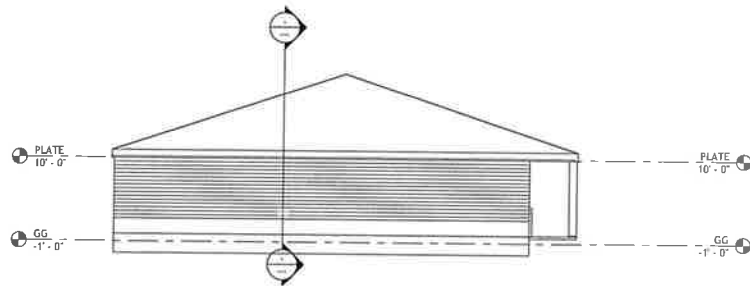
C102

OF

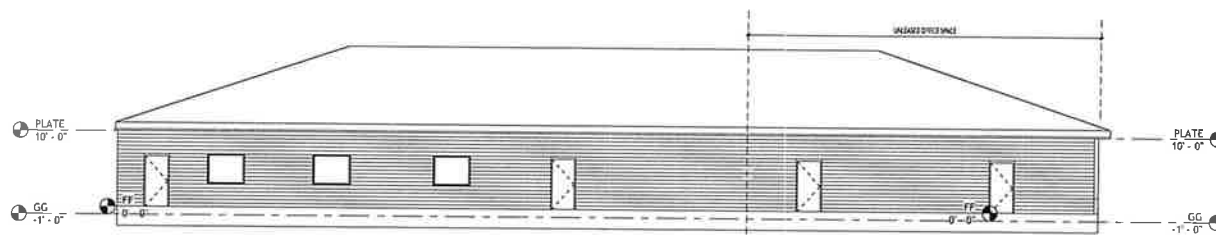
8/29/2024
1:06:44 PM



① Existing North
1/8" = 1'-0"



② Existing East
1/8" = 1'-0"



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

BROTHOW
ARCHITECTS
& PLANNING

8-41450-000
1332 Thain Road, Lewiston, ID 83501
P: 208-748-2512
F: 208-748-2512
E: info@brothow.com

DATE	REVISIONS

D-11F

29 AUG 24

CONSULTANTS



ARCHITECT
STATE OF IDAHO

APARTMENT ADDITION
1332 Thain Road
Lewiston Idaho 83501

TITLE: EXISTING ELEVATIONS

8-41450-000
1332 Thain Road
Lewiston, ID 83501
P: 208-748-2512
F: 208-748-2512
E: info@brothow.com

D201

01"

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 October 09, 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.

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:

VARIANCE APPLICATION VAR24-2 BY DK HOLDINGS LLC: The applicant requests variance approval to waive the following Zoning Code small lot development standard of Lewiston City Code Section 37-33(d)(5): "Except on a flag lot, for a home with an attached garage, the garage wall with the garage door shall be recessed at least four (4) feet from the adjoining habitable space wall of the home." The applicant proposes, instead, that the garage wall with the garage door project twenty-four feet in front of the adjoining habitable space wall of the home. This is proposed for all lots and homes within the Canyon Crest South Addition to the City of Lewiston-a subdivision of 53 lots on 9.4 acres located at the northeast corner of 18th Street and Airway Avenue.

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

Hearing notice publication date: September 22, 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 OCTOBER 09, 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

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.

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

For further information on the above zoning action, the public hearing process, or appeal process, please contact the Community Development Department at (208) 746-1318, ext. 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 20, 2024 and 18 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
LAVANCE MARTHA VERNELL		1810 AIRWAY AVE	LEWISTON	ID	83501
LEMANSKI RYAN JAMES &	LEMANSKI LINDSAY MARIE	1822 CLEARVIEW POINT DR	LEWISTON	ID	83501
CANYON CREST ESTATES HOA INC		PO BOX 24	LEWISTON	ID	83501
LOWARY JERRENE &	LOWARY LESLIE	1812 CLEARVIEW POINT DR	LEWISTON	ID	83501
DK HOLDINGS LLC		247 THAIN RD STE 107	LEWISTON	ID	83501
EIKUM JEROME L &	EIKUM CINDIE M	1816 CLEARVIEW POINT DR	LEWISTON	ID	83501
SPENCER WILLIAM A II &	ZWIESLER JOANN	1827 BURRELL AVE	LEWISTON	ID	83501
TAYLOR JUD R		PO BOX 1630	LEWISTON	ID	83501
SCHUMACHER WILLIAM J &	SCHUMACHER SHELLI K	1802 AIRWAY AVE	LEWISTON	ID	83501
THELEN JERI ANN REVOC LIV TST&	THELEN KELLY JORDYN	1806 CLEARVIEW POINT DR	LEWISTON	ID	83501
DK HOLDINGS LLC		247 THAIN RD STE 107	LEWISTON	ID	83501
HOLMLUND CYNTHIA &	HOLMLUND NATHAN	PO BOX 1066	LEWISTON	ID	83501
DK HOLDINGS LLC		247 THAIN RD STE 107	LEWISTON	ID	83501
MOHR GORDON E		3424 18TH ST	LEWISTON	ID	83501
GLASPELL, KEVIN & LAURIE		1823 AIRWAY AVE	LEWISTON	ID	83501
BASILICO LINDA L		1810 CLEARVIEW POINT DR	LEWISTON	ID	83501
WICKIZER WADE L &	WICKIZER HANNAH R &	1806 AIRWAY AVE	LEWISTON	ID	83501
OHARRA JOHNNIE L &	OHARRA LORI K	1804 CLEARVIEW POINT DR	LEWISTON	ID	83501



STAFF USE ONLY	
Case Number:	<u>VAR 24-2</u>
Hearing Date:	<u>10/9/24</u>

APPLICATION FOR VARIANCE

(Pre-Application Meeting Strongly Encouraged)

Variance means a modification of the requirements of the zoning ordinance as to lot size, lot coverage, width, depth, yards, setbacks, parking space, height of building or other ordinance provisions affecting the size of lots or the size, shape or placement of structures upon lots but not involving the actual use and shall not be of the applicant's making.

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: YONGE DAN Date: 9/17/24
Last First M.I.

Address: 626 THAIN RD. STE A
Street Address Apartment/Unit #

LEWISTON ID 83501
City State ZIP Code

Phone: 208-798-5000 Email: dan@qdplans.com

OWNERSHIP INFORMATION

Property Owner Name: DK HOLDINGS LLC

Phone: 208-798-5000 Email: dan@qdplans.com

Mailing Address: SAME

PROPERTY INFORMATION

Street Address of Subject Property: 18TH AND AIRWAY AVENUE

Subdivision Name: CANYON CREST SOUTH Block: _____ Lot: _____

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

Property Zoning: R3

NATURE OF YOUR REQUEST

I request a variance from the following provision(s) of Chapter 37, Lewiston City Code (Describe the nature of the variance and cite the related code section number(s)):

Please provide WRITTEN responses to the following questions (**Note:** a variance shall not be considered a right of special privilege, but may be granted only upon the showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest):

- a. What are the unique conditions that apply to your property that do not apply generally to other properties around you in the same zone or vicinity? **Be very specific in identifying these conditions** and, if possible, the reason for the conditions. These conditions shall be the result of lot size, shape, topography or other circumstances over which you have no control.

- b. How/Why is the variance not necessary due to an action of the applicant?

- c. Why is the variance necessary for the preservation of a right possessed by owners of other property in the same zone or vicinity? **Be specific in identifying that property right.** What are the addresses of the other properties nearby that have the property right you are requesting?

- d. Why will the authorization of the variance not be materially detrimental or injurious to other property or property owners in the zone or vicinity or otherwise conflict with the public interest or with the objectives of any city development plans or policies?

- e. Is the variance requested the minimum variance which will alleviate the hardship? If so, then describe how. Be specific in discussing why the amount of the variance requested cannot be reduced.

PLAN INFORMATION

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

Site plans shall include the following:

- ☒ Property lines, including dimensions;
- ☒ Street address or legal description;
- ☒ North arrow and scale;
- ☒ Setbacks measured between buildings and property lines;
- ☒ All building locations, size and uses, labeled as existing and/or proposed;
- ☐ Driveways and parking spaces;
- ☒ Landscaping;
- ☒ The location and size of all existing and proposed signs;
- ☒ Location of solid waste disposal and collection facilities;
- ☒ 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 variance and all construction 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 variance approval shall be interpreted as allowing the owner or applicant variation from current ordinances that were not specifically addressed at the time of variance approval.

APPLICATION SUBMITTAL 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 on 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: Dan Goyne

Date: 9/17/24

The Property Owner hereby authorizes this application:

Signature of Owner: Dan Goyne

Date: 9/17/24

Ordinance No. 4835

Section 37-33

(d) Standards:

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

I request a variance from the following provision(s) of Chapter 37, Lewiston City Code (Describe the nature of the variance and cite the related code section number(s)):

The garage depth on the proposed plan is 24' from the house and 19' from the covered porch. That is a variance from the total standard of 28' from the house and 23' from the covered porch. This variance request is being made for the entirety of Canyon Crest South subdivision.

a. What are the unique conditions that apply to your property that do not apply generally to other properties around you in the same zone or vicinity? Be very specific in identifying these conditions and, if possible, the reason for the conditions. These conditions shall be the result of lot size, shape, topography or other circumstances over which you have no control.

The unique conditions that apply to this property are mostly related to topography. There is about 19' of slope from the NW to the SE of the property(see attached topography map-#11). The starting elevation is noted in the NW corner at 1450' and ascending to 1469' in the SE corner. As most of the proposed units will be about 100' from end to end, (regardless of the garage orientation) a step down in the foundation between the units may be required. With the current city design criteria of garage recess of at least 4' behind the front wall of the living space, this mandates a very linear (barracks style) structure. If this linear style is used, it makes it very difficult to impossible to have an elevation change between the properties. This elevation change will create a dangerous situation for parking and walking.

b. How/Why is the variance not necessary due to an action of the applicant?

The topography of the property is dictated by the existing city streets. (Airway and 18th street) While doing the development of the property, a 4' retaining wall was installed to try and absorb some of this grade. However, even after the wall was installed there is still a significant cross slope that would create safety hazards for both vehicles and pedestrians between units. (See photo #11 in regards to topography)

c. Why is the variance necessary for the preservation of a right possessed by owners of other property in the same zone or vicinity? Be specific in identifying that property right. What are the addresses of the other properties nearby that have the property right you are requesting?

The Estates at Canyon Crest to the north has most homes with garages that project past the front of the house. This is a finished neighborhood that has several lots 60' wide and an alleyway that is very compact and still looks aesthetically pleasing and functional. This is the alleyway between Clearview Point Drive and Imnaha Lane. There is a similar layout between Pioneer and Appolsa. This neighborhood is operating under a PUD agreement that allowed for narrower lots than city standards at the time. (See attached aerial photo and street photos. Photos are labeled 1-4))

d. Why will the authorization of the variance not be materially detrimental or injurious to other property or property owners in the zone or vicinity or otherwise conflict with the public interest or with the objectives of any city development plans or policies?

The authorization of this variance will be the opposite of detriment or injurious to the property owners. The biggest reason is the safety concern of a step down in the driveways between garages. If the recessed garage design were used this would create a safety hazard for cars pulling in and out of the driveway as well as people exiting their vehicles and walking in the driveways. In addition, splitting the garages will quiet the busy feel of having 4 cars parked side by side by side by side.

e. Is the variance requested the minimum variance which will alleviate the hardship? If so, then describe how. Be specific in discussing why the amount of the variance requested cannot be reduced.

The variance requested will alleviate the hardship. With the cross slope in the lots the proposed floor plans will allow sufficient front yard space to absorb the grade difference in the property. It might be possible to slightly reduce the garage size, but this could adversely affect people trying to park inside their garages. This would add to the cluttered feel having multiple cars parked in the driveways. (See current and proposed site plans). Currently the standard says the garage is to be 4' recessed from the garage. The garage depth on the proposed plan is 24' from the house and 19' from the covered porch. That is a variance from the total standard of 28' from the house and 23' from the covered porch. This variance request is being made for the entirety of Canyon Crest South subdivision. (Map attached - #12)

In summary, the applicant believes the proposed request for variance allowing the garage to proceed to past the front of the house meets the hardship requirements as laid out in the city standards. In addition, the applicant plans to use a hip roof design which detracts from the long barracks style look currently allowed. The applicant also plans to install privacy walls between homes and 6' white vinyl privacy fencing from the front corner of all the garages around the property lines to calm the appearance further. A similar project was built in the Appleside Townhomes Subdivision in the Clarkston Heights. (see photos labeled 5-8)

Thank you for your consideration!

Sincerely,

Dan Y.

1

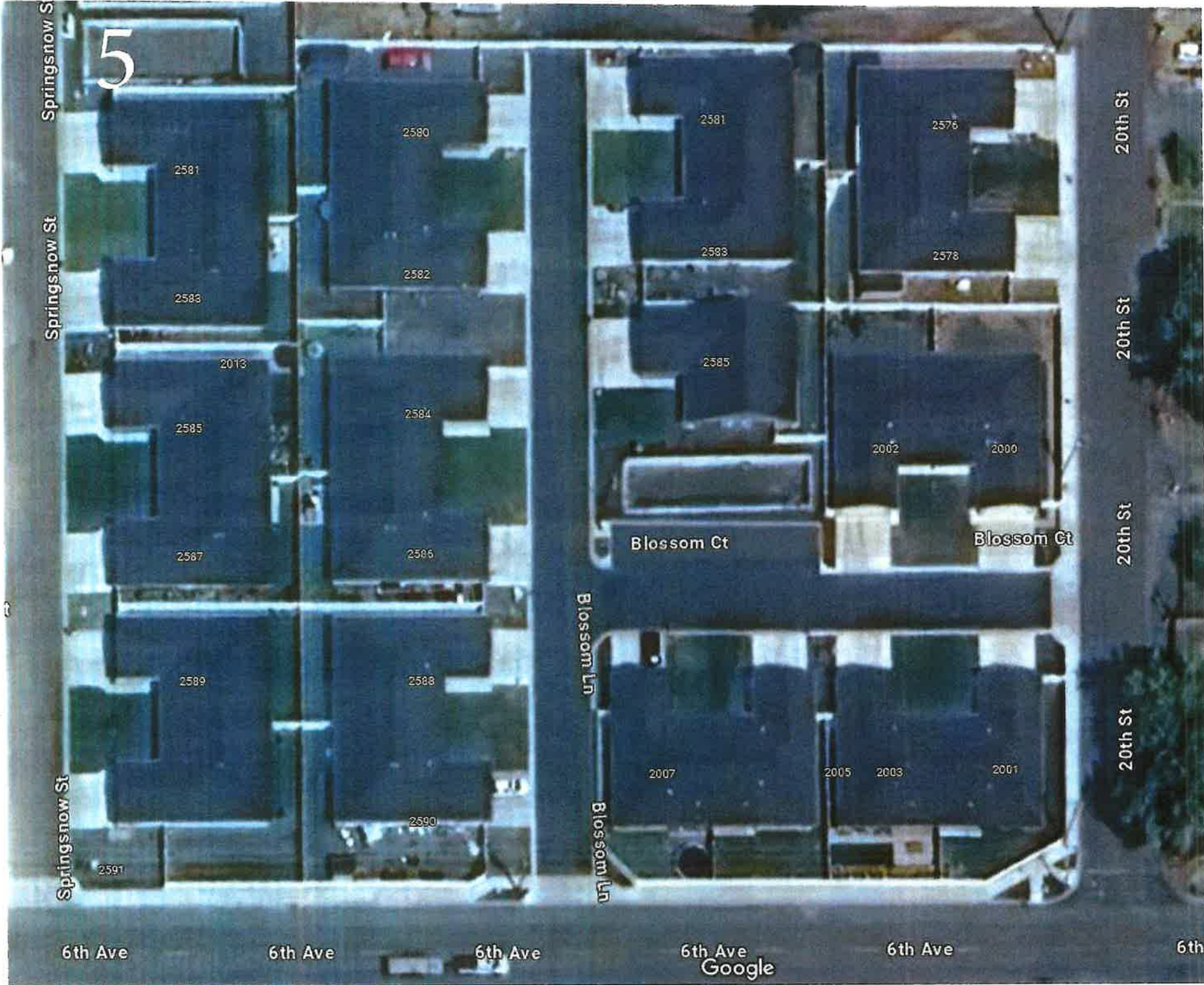


2









Search Google Maps



2590 Blossom Ln



Clarkston, Washington



Google Street View

Jan 2024





Search Google Maps



2580 Blossom Ln

Oremston, Washington



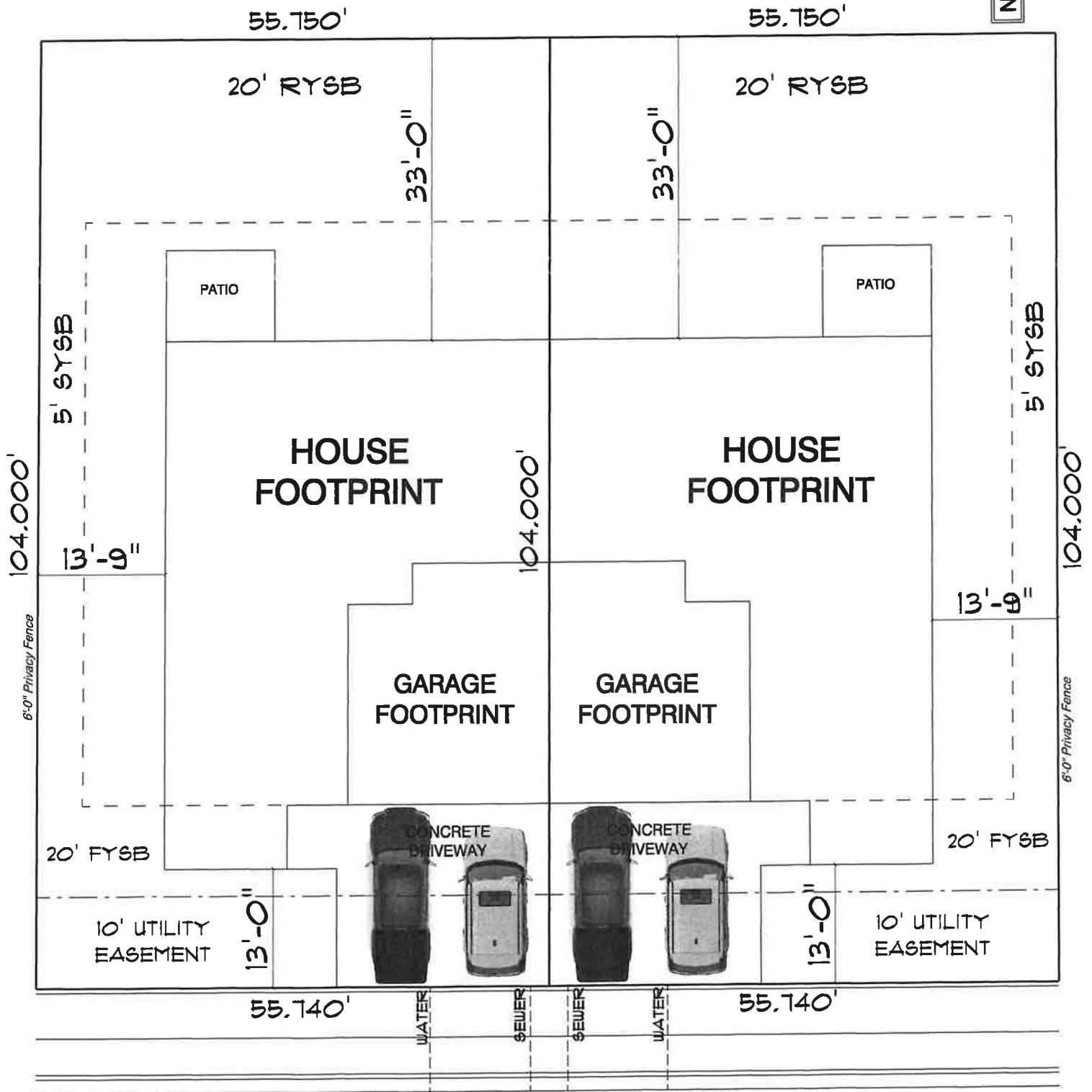
Google Street View

Jun 2024

8



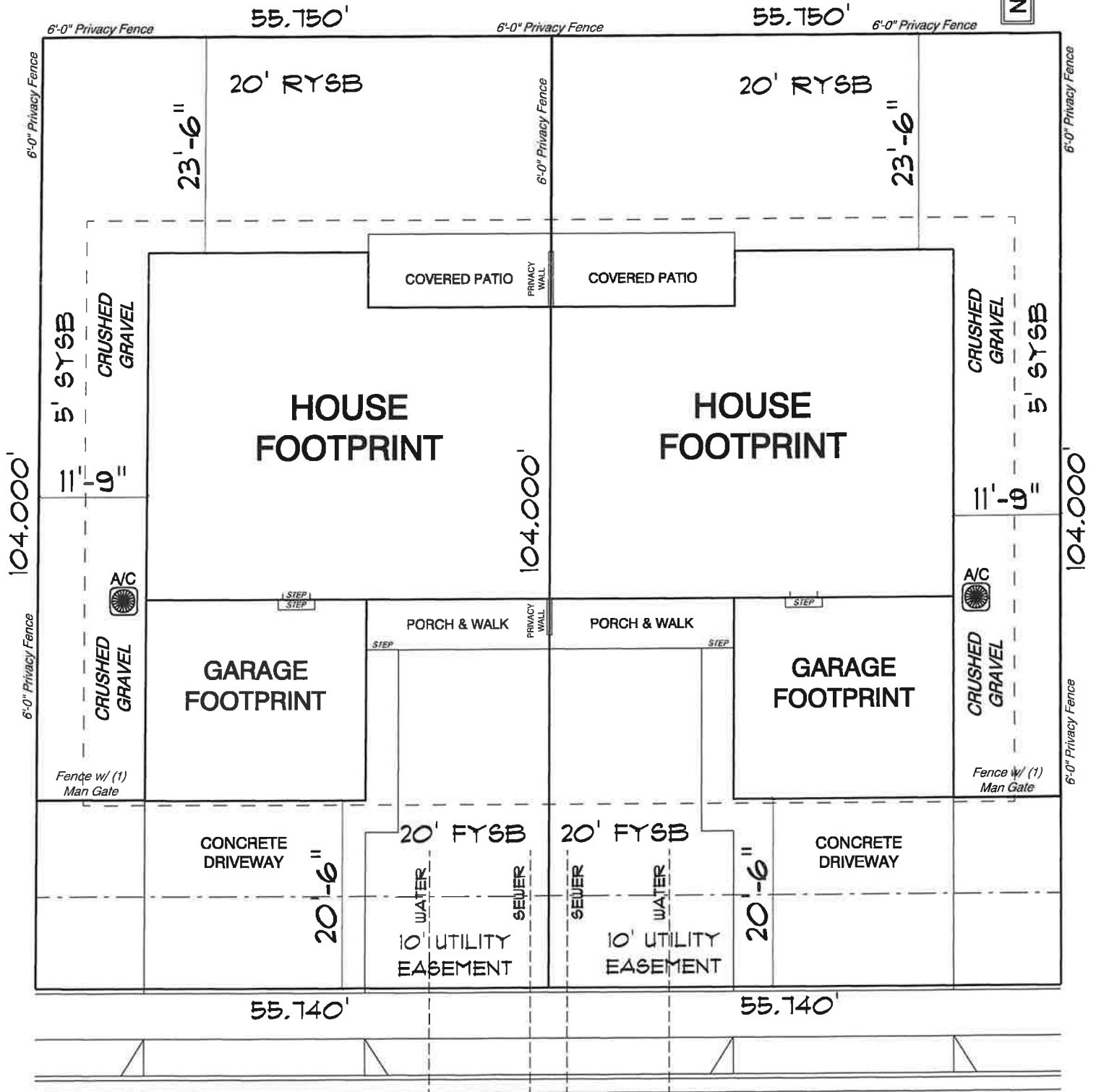
CURRENT PLAN



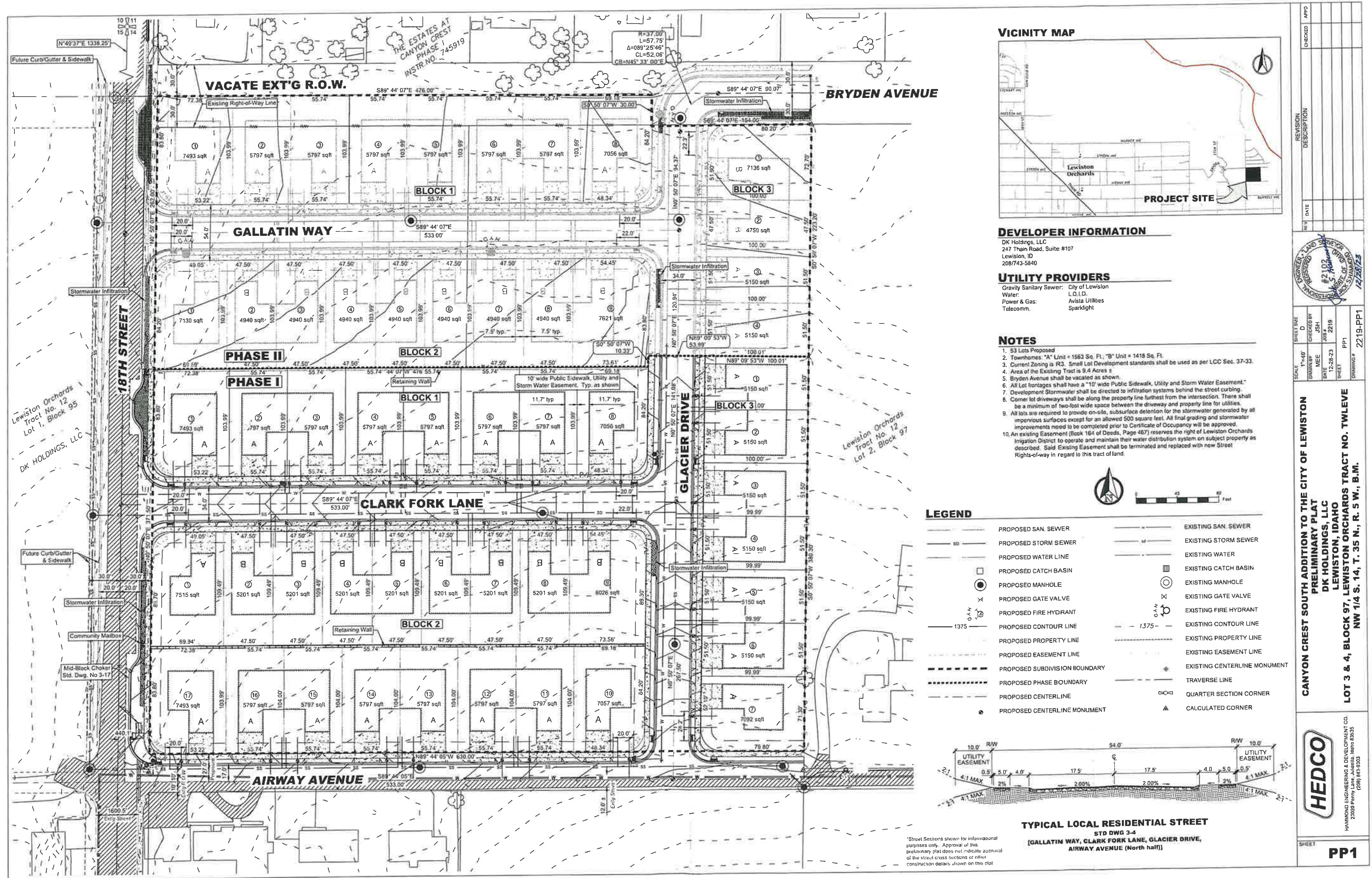
AIRWAY AVENUE

10

PROPOSED PLAN



AIRWAY AVENUE



VICINITY MAP



DEVELOPER INFORMATION

DK Holdings, LLC
247 Thain Road, Suite #107
Lewiston, ID
208743-5840

UTILITY PROVIDERS

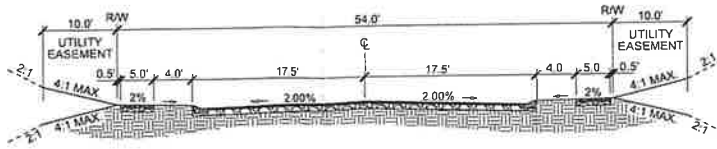
Gravity Sanitary Sewer: City of Lewiston
Water: L.O.D.
Power & Gas: Avista Utilities
Telecomm: Sparklight

NOTES

- 1. 53 Lots Proposed
- 2. Townhomes: "A" Unit = 1563 Sq. Ft., "B" Unit = 1418 Sq. Ft.
- 3. Current Zoning is R3. Small Lot Development standards shall be used as per LCC Sec. 37-33.
- 4. Area of the Existing Tract is 9.4 Acres ±
- 5. Bryden Avenue shall be vacated as shown
- 6. All Lot frontages shall have a "10' wide Public Sidewalk, Utility and Storm Water Easement."
- 7. Development Stormwater shall be directed to infiltration systems behind the street curbing.
- 8. Corner lot driveways shall be along the property line furthest from the intersection. There shall be a minimum of two-foot wide space between the driveway and property line for utilities.
- 9. All lots are required to provide on-site, subsurface detention for the stormwater generated by all impervious surfaces except for an allowed 500 square feet. All final grading and stormwater improvements need to be completed prior to Certificate of Occupancy will be approved.
- 10. An existing Easement (Block 164 of Deeds, Page 467) reserves the right of Lewiston Orchards Irrigation District to operate and maintain their water distribution system on subject property as described. Said Existing Easement shall be terminated and replaced with new Street Rights-of-way in regard to this tract of land.

LEGEND

PROPOSED SAN SEWER	EXISTING SAN SEWER
PROPOSED STORM SEWER	EXISTING STORM SEWER
PROPOSED WATER LINE	EXISTING WATER
PROPOSED CATCH BASIN	EXISTING CATCH BASIN
PROPOSED MANHOLE	EXISTING MANHOLE
PROPOSED GATE VALVE	EXISTING GATE VALVE
PROPOSED FIRE HYDRANT	EXISTING FIRE HYDRANT
PROPOSED CONTOUR LINE	EXISTING CONTOUR LINE
PROPOSED PROPERTY LINE	EXISTING PROPERTY LINE
PROPOSED EASEMENT LINE	EXISTING EASEMENT LINE
PROPOSED SUBDIVISION BOUNDARY	EXISTING CENTERLINE MONUMENT
PROPOSED PHASE BOUNDARY	TRAVERSE LINE
PROPOSED CENTERLINE	QUARTER SECTION CORNER
PROPOSED CENTERLINE MONUMENT	CALCULATED CORNER



TYPICAL LOCAL RESIDENTIAL STREET

STD DWG 3-4
[GALLATIN WAY, CLARK FORK LANE, GLACIER DRIVE,
AIRWAY AVENUE (North half)]

*Street Sections shown for informational purposes only. Approval of this preliminary plat does not indicate approval of the street cross sections or other construction details shown on this plat

REVISION

NO.	DATE	DESCRIPTION

SCALE

SHEET SIZE	D	11x17
DATE	12-28-23	
DRAWN	ME	
CHECKED	PP	
DATE	12-28-23	
BY	PP	
DATE	12-28-23	
BY	PP	

CANYON CREST SOUTH ADDITION TO THE CITY OF LEWISTON
PRELIMINARY PLAT
DK HOLDINGS, LLC
LEWISTON, IDAHO
LOT 3 & 4, BLOCK 97, LEWISTON ORCHARDS TRACT NO. TWLEVE
NW 1/4 S. 14, T. 35 N., R. 5 W., B.M.

HEDCO

HAMMOND ENGINEERING & DEVELOPMENT CO.
2380 Perry, Idaho 83435
(208) 943-9300



PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date:

September 23, 2024

Case File Number:

VAR24-2

Applicant:

Dan Yonge

Property Owner:

DK Holdings, LLC

Site Location:

Northeast Corner of 18 Street and Airway Avenue (Canyon Crest South subdivision)

Request/Proposal:

The applicant requests variance approval to waive the zoning code standard that for homes with an attached garage in a small lot or zero lot line development the garage door wall be recessed at least four feet from the habitable space wall of the home. This is depicted in the applicant's drawing labeled "Proposed Plan." The applicant requests this waiver for the entirety of the Canyon Crest South subdivision; however, staff counts thirty-eight lots in the subdivision that will be developed according to the small lot or zero lot line development standards of the zoning code.

Subject Property and Surrounding Land Uses:

The subject property is currently under subdivision development. There is one home under construction on the subject property, but that home is not subject to the small lot development standards because it is on a lot that meets the lot standards of the applicable Medium Density, R-3, Zone. The properties to the north, south, and east of the subject property consist of single-family homes. The property to the west is undeveloped.

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

None.

Code References:

See the zoning code provisions attached hereto (R3 Zone, Small Lot Development, Variances).

Comprehensive Plan:

The subject property is designated as Neighborhood Residential (NR) on the Future Land Use Map of the Comprehensive Plan (the Plan). The NR Designation is described as follows: "Neighborhood Residential is a relatively low intensity primarily residential place type that includes a variety of housing types including single-family detached, duplexes, cluster housing, and accessory dwelling units (ADUs). Buildings should respect the scale and character of the existing built environment regarding size, mass, and design."

Goals, objectives and/or actions from the Plan which may be considered relevant to VAR24-2 are:

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.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.

Input From Other Departments/Agencies:

The Engineering Division of the Public Works Departments submits the following: "The "Current Plan" shows driveways at adjacent properties without the required separation per City Standard 2-1. This exception from the standard will be allowed by Engineering. All remaining driveway standards apply.

Site development finished grade contours show a 2% average cross slope across the site E to W. The individual lots are approx. 55 feet wide and 110 feet wide for two lots. This results in approx. a 2 foot change in elevation across two lots E-W. I am not able to identify any particular safety hazard that would be created from a two percent driveway cross slope or reasoning that a step in elevation between lots was required."

Analysis:

The subject property is zoned Medium Density Residential, R-3. The applicant's proposed subdivision and small lot/zero lot line development is allowed by right in the R-3 Zone. Surrounding properties are zoned Planned Unit Development (the

Canyon Crest PUD) to the north, Suburban Residential, R-1, to the east and south, and Low Density Residential, R-2, to the west.

The applicant requests that the small lot or zero lot line development standard set forth in Zoning Code Section 37-33 (d) (5) be waived for the entirety of the Canyon Crest South subdivision; however, staff counts thirty-eight lots in the subdivision that will be developed according to the small lot or zero lot line development standards. There are a total of fifty-three lots in the subdivision. For the Commission's consideration, the small lot or zero lot line development design standards, including the aforementioned one, are:

(1) One (1) detached garage, carport, or storage building shall be allowed, so long as such detached garage, carport, or storage building does not exceed four hundred eighty-four (484) square feet; does not exceed sixteen (16) feet in height; and is not located closer to a street right-of-way than the house, unless on a flag lot or on the street side of a corner lot. No other detached accessory buildings are allowed, unless they do not exceed one hundred twenty (120) square feet.

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

- a. Color change;
- b. Texture change;
- c. Building material change; or
- d. Incorporation of a wall plane projection or recession with the plane projection being a minimum of one (1) foot in depth and a minimum height equal to twenty-five (25) percent of the height of the wall.

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

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

(5) Except on a flag lot, for a home with an attached garage, the garage wall with the garage door shall be recessed at least four (4) feet from the adjoining habitable space wall of the home. (Note: This is the standard that is the subject of VAR24-2.)

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

(7) Street trees. Street trees shall be planted by the developer or the lot owner in the right-of-way between the street and sidewalk, as approved by the city engineer and the city forester. The developer or the lot owner shall provide an automatic irrigation system for the street trees. The number of street trees required to be planted is one (1) per lot street frontage, except no street trees are required to be planted for lots on cul-de-sacs. Street trees shall be planted at a

spacing of not less than thirty (30) feet and not greater than sixty (60) feet, unless otherwise approved by the city forester. Each lot owner shall be responsible for maintenance of the street tree(s) for his or her lot, including replacement when necessary. Street trees shall be planted for each lot prior to the approval of final inspection for the home on the lot, except when weather conditions do not allow planting of trees, which may typically occur between November 1 and March 1.

The above-listed design standards are in place to ensure an appealing built environment. They are intended as mitigation for the allowance of lots as small as 4,000 square feet for a single-family home or 6,500 square feet for a duplex and for the reduced setbacks allowed in small lot or zero lot line development. The applicant requests that the Planning and Zoning Commission waive the requirement that the attached garages on thirty-eight homes he plans to build in his subdivision (Canyon Crest South) be recessed from the living space in the homes by at least four feet. Instead, he proposes that said garages project twenty-four feet in front of the homes. This is depicted in the applicant's drawing labeled "Proposed Plan." There is a twenty-eight-foot difference between the applicant's proposal and the zoning code requirement. VAR24-2 is not a request for a reduction of the zoning code standard in question, it is a request to be allowed to do the opposite of it by twenty-four feet.

The requirement to recess attached garages from the homes is to prevent garage fronts from dominating the streetscape. The effect of attached garages that protrude from the homes is intensified when the homes are attached to each other and on small lots because there is little space between them.

Lewiston City Code Section 37-3 defines a variance as "...a modification of the requirements of the zoning ordinance as to lot size, lot coverage, width, depth, yards, setbacks, parking space, height of building or other ordinance provisions affecting the size of lots or the size, shape or placement of structures upon lots but not involving the actual use and shall not be of the applicant's making." State and city code mandate that a variance may only be granted upon showing of an undue hardship due to characteristics of the site, such as lot size or shape, topography, or other special features, and that the variance is not in conflict with the public interest.

The applicant indicates in his application that the topography of the subject property dictates the need for the variance requested because application of the recessed garage requirement would cause a vehicular and pedestrian safety hazard. The applicant states in his application that there is "...a significant cross slope that would create safety hazards for both vehicles and pedestrians between units." However, the subject property is flat. It sloped approximately 2.1% downward from the southeast corner to the northwest corner (19' elevation change divided by 899' of "run" as per the attached CAD drawing), prior to having been graded for development. The site grading resulted in a four-foot-tall retaining wall being constructed across the westerly 560' of the property approximately 100' north of the south property line, creating a four-foot elevation

difference between the property on one side vs. the other of the retaining wall. Other than that, the subject property is flat.

Note that, unlike a conditional use permit, all of the criteria for the granting of a variance must be met, not just most of them.

Relevant Criteria and Standards:

Per Zoning Code Section 37-173(a): The commission may authorize variances where it can be shown that the literal interpretation of the code would cause hardship. A variance shall not be considered a right or special privilege but may be granted only upon the showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest.

Per Zoning Code Section 37-174: No variance shall be granted unless it can be shown that all of the following relevant criteria and standards are met:

- (1) Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity and which pose an undue hardship because of characteristics of the site as a result of lot size, or shape, topography, or other special features.
- (2) The variance is not necessary as a result of actions of the applicant, will not grant the applicant a special privilege, and is necessary for the preservation of a property right possessed by owners of other property in the same zone and vicinity.
- (3) The authorization of the variance will not be materially detrimental or injurious to other property or owner of property in the same zone and vicinity, or otherwise conflict with the public interest or with the objectives of adopted city plans or policies.
- (4) The variance requested is the minimum variance which will alleviate the hardship.

Prepared By:

Joel D. Plaskon, City Planner, AICP
(208) 746-1318, ext. 7202
jplaskon@cityoflewiston.org
P.O.B 617
Lewiston, ID 83501

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.

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(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(s)—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.

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

(a) *Lot size.*

- (1) For a single-family dwelling, the minimum lot area shall be four thousand (4,000) square feet;
- (2) For a two-family dwelling, the minimum lot area shall be six thousand five hundred (6,500) square feet;
- (3) Lot dimensions shall be a minimum of forty (40) feet and sixty-five (65) feet, with either dimension serving as lot width or lot depth, so long as both dimensions are met; provided, however, the minimum lot width for a lot street frontage that is a street curve radius only shall be thirty (30) feet, or twenty (20) feet if adjacent to a shared driveway evidenced by a recorded easement with the neighboring lot.

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

- (1) A front yard shall be a minimum of ten (10) feet or twenty-five (25) feet from the centerline of the adjacent street, whichever is greater, except a front yard for a garage or carport shall be a minimum of twenty (20) feet.
- (2) A side yard shall be:
 - a. Zero (0) feet for the common wall of a single-family dwelling that is attached to another single-family dwelling where the common wall is also a property line established by the subdivision platting process of chapter 32 of this Code, Subdivisions; or
 - b. A minimum of five (5) feet, except (i): on corner lots the street side yard shall be a minimum of ten (10) feet or twenty-five (25) feet from the centerline of the adjacent street, whichever is greater; and (ii) for a garage or carport, a side yard shall be a minimum of twenty (20) feet.
- (3) A rear yard shall be a minimum of twenty (20) feet except when one (1) side yard is at least twenty (20) feet, the rear yard may be reduced to ten (10) feet.

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

(d) *Standards.*

- (1) One (1) detached garage, carport, or storage building shall be allowed, so long as such detached garage, carport, or storage building does not exceed four hundred eighty-four (484) square feet; does not exceed sixteen (16) feet in height; and is not located closer to a street right-of-way than the house, unless on a flag lot or on the street side of a corner lot. No other detached accessory buildings are allowed, unless they do not exceed one hundred twenty (120) square feet.

(2)

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

- a. Color change;
 - b. Texture change;
 - c. Building material change; or
 - d. Incorporation of a wall plane projection or recession with the plane projection being a minimum of one (1) foot in depth and a minimum height equal to twenty-five (25) percent of the height of the wall.
- (3) Primary entrances shall incorporate a front porch or other building articulation elements, such as cornices, brackets, overhangs, shutters, and window boxes, as part of the street-facing facade.
- (4) Except on a flag lot, house facades fronting a street right-of-way shall not have an attached garage that exceeds seventy (70) percent of the width of the facade.
- (5) Except on a flag lot, for a home with an attached garage, the garage wall with the garage door shall be recessed at least four (4) feet from the adjoining habitable space wall of the home.
- (6) Except on a flag lot, all roofs shall be a hip, gable, or mansard roof with a minimum four-to-twelve (4:12) pitch with twelve (12) inch minimum eaves. Any mansard roof, except on a flag lot, shall incorporate dormers equal to at least twenty-five (25) percent of the facade area of the roof.
- (7) Street trees. Street trees shall be planted by the developer or the lot owner in the right-of-way between the street and sidewalk, as approved by the city engineer and the city forester. The developer or the lot owner shall provide an automatic irrigation system for the street trees. The number of street trees required to be planted is one (1) per lot street frontage, except no street trees are required to be planted for lots on cul-de-sacs. Street trees shall be planted at a spacing of not less than thirty (30) feet and not greater than sixty (60) feet, unless otherwise approved by the city forester. Each lot owner shall be responsible for maintenance of the street tree(s) for his or her lot, including replacement when necessary. Street trees shall be planted for each lot prior to the approval of final inspection for the home on the lot, except when weather conditions do not allow planting of trees, which may typically occur between November 1 and March 1.

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

ARTICLE XI. - VARIANCES

Sec. 37-173. - Authorization to grant or deny variance.

- (a) The commission may authorize variances where it can be shown that the literal interpretation of this chapter would cause hardship. A variance may be considered for modification of the requirements for lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking spaces, height of buildings or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted only upon the showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest.

A variance may not be approved when the conditions leading to the need for the variance are of the applicant's making. Once granted, a variance is permanent and runs with the land.

- (b) In granting a variance, the commission may attach conditions which it finds necessary to protect the interests of the surrounding property or neighborhood and otherwise to achieve the purpose of this chapter.
- (c) No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located.
- (d) Upon approval by the planning and zoning commission of the findings of fact, conclusions of law and decision, said decision shall be filed on record in the office of the Nez Perce County Recorder.
- (e) Authorization of a variance shall be void after twelve (12) months unless a building permit or subdivision plat pursuant thereto has been applied for or a decision of substantial progress towards completion of the project has been determined by the community development director.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4530, § 2, 4-27-09)

Sec. 37-174. - Circumstances for granting a variance.

No variance shall be granted unless it can be shown that all of the following relevant criteria and standards are met:

- (1) Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity and which pose an undue hardship because of characteristics of the site as a result of lot size, or shape, topography, or other special features.
- (2) The variance is not necessary as a result of actions of the applicant, will not grant the applicant a special privilege, and is necessary for the preservation of a property right possessed by owners of other property in the same zone and vicinity.

(3) The authorization of the variance will not be materially detrimental or injurious to other property or owner of property in the same zone and vicinity, or otherwise conflict with the public interest or with the objectives of adopted city plans or policies.

(4) The variance requested is the minimum variance which will alleviate the hardship.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4631, § 2, 7-13-15)

Sec. 37-175. - Application for a variance.

A property owner may initiate a request for a variance 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 at which it will be considered. The application shall be accompanied by a site plan, drawn to scale, showing the condition to be varied and the dimensions and arrangement of the proposed development. The commission may request other drawings or information necessary to an understanding of the request.

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-176. - Public hearing on a variance.

Before the planning and zoning commission may act on a request for a variance, it shall hold a public hearing pursuant to section 37-184 of this chapter.

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-177. - Administrative variances.

- (a) The community development director may grant a variance to the requirements of this chapter where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of this chapter would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the director may attach conditions which are necessary to protect the best interest of the surrounding property or vicinity or otherwise achieve the purposes of this chapter.
- (b) The following may be considered under the administrative variance process:
 - (1) Minimum lot area variance of ten (10) percent or less;
 - (2) Minimum frontage of ten (10) percent or less, except when such request would reduce the minimum lot frontage to less than twenty (20) feet;
 - (3) Minimum setback from a property line of twenty (20) percent or less except that no administrative variance shall be approved that will allow a structure to project into a clear vision triangle;

- (4) Reduction in required off-street parking of ten (10) percent;
- (5) Increase in lot coverage of five (5) percent;
- (6) Reduction in required lot depth of ten (10) percent; and
- (7) Dimensional or numerical elements of standards for multifamily development not to exceed twenty (20) percent of the numerical or dimensional value, including but not limited to standards for yards or parking spaces.

- (c) Upon receipt of the variance application form and payment of the required fee, the director shall render a decision within five (5) working days, or may elect to defer the decision to the planning and zoning commission. Additional information may be requested by the director in arriving at a decision. If additional information is requested, the director shall have an additional five (5) working days to render this decision beginning when the additional information is given to the director. In rendering a decision, the director shall find that granting a variance shall result in more efficient use of the site, preserve natural features where appropriate, adequate provisions are made for light and privacy on adjoining properties, that the variance will be consistent with the overall objectives of the comprehensive plan and this chapter and that the variance will have a minimal adverse impact on the livability, value or development of abutting properties and the surrounding areas.
- (d) Should the director elect to grant an administrative variance, the decision shall not become final until fifteen (15) days have elapsed. A notice of the proposed variance shall be mailed within two (2) working days of the decision to all property owners adjacent to the subject property and objections and comments solicited. In addition, the membership of the planning and zoning commission shall be notified. If no written objections from those persons entitled to receive notice are received within fifteen (15) days of such notice, the decision shall become final at the end of the fifteen-day period.
- (e) If any written objection to the granting of such an administrative variance is received within fifteen (15) days of such notice from any person entitled to notice, a hearing shall be held before the planning and zoning commission pursuant to section 37-184 of this Code. Decisions of the planning and zoning commission may be appealed by any person entitled to notice of the proceedings in accordance with section 37-185 of this Code.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4379, § 1, 1-24-05; Ord. No. 4438, § 2, 4-10-06; Ord. No. 4499, § 2, 1-28-08)

NEIGHBORHOOD RESIDENTIAL

Description

Neighborhood Residential is a relatively low intensity primarily residential place type that includes a variety of housing types including single-family detached, duplexes, cluster housing, and accessory dwelling units (ADUs). Buildings should respect the scale and character of the existing built environment regarding size, mass, and design.

Examples

Single-family homes, duplexes, small-scale apartments.

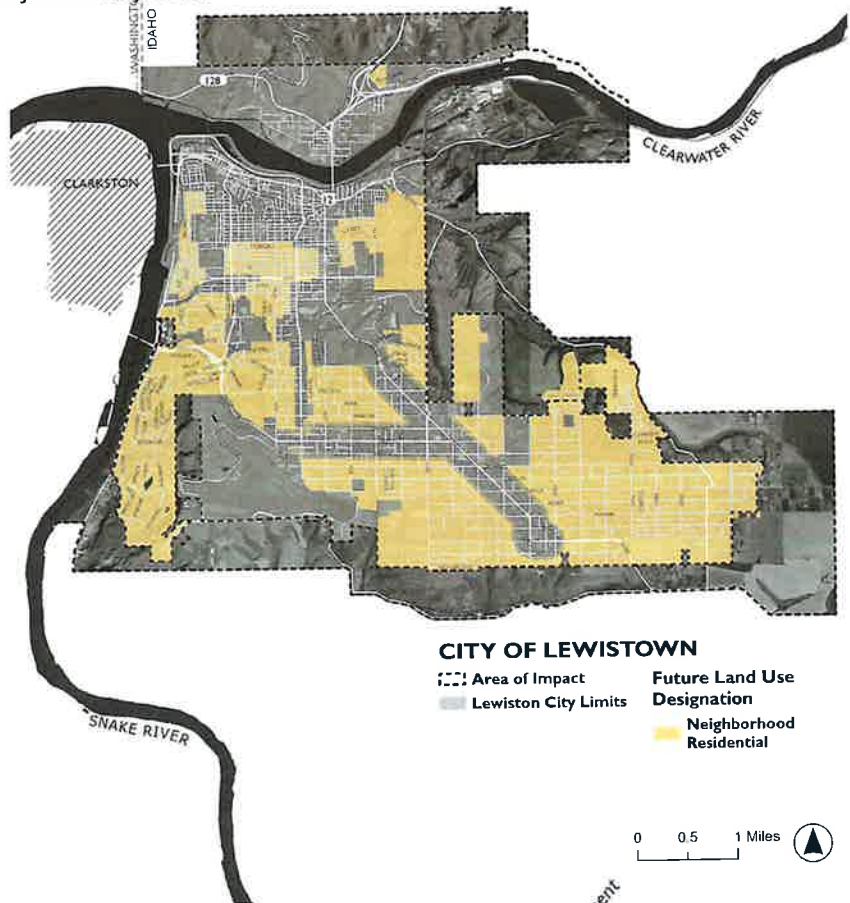
Suggested Residential Density Range

1-8 DU/acre, 8-12 DU/acre can be considered with the following essential considerations:

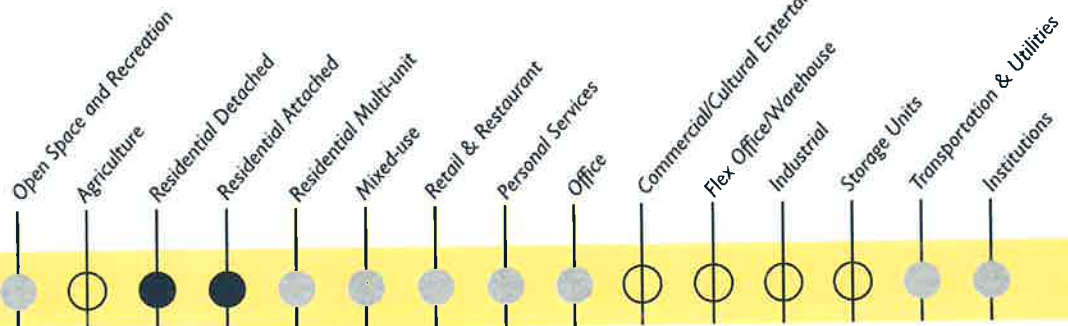
- **Intensity:** Provides transition in intensity from adjacent uses/zones.
- **Access:** Located on a collector or arterial roadway with adequate access for the proposed use.
- **Infrastructure:** The existing or planned infrastructure is adequate to meet the needs of the proposed use.
- **Compatibility:** Provides an appropriate transition in building use, type, and scale from surrounding uses.

Policy Basis

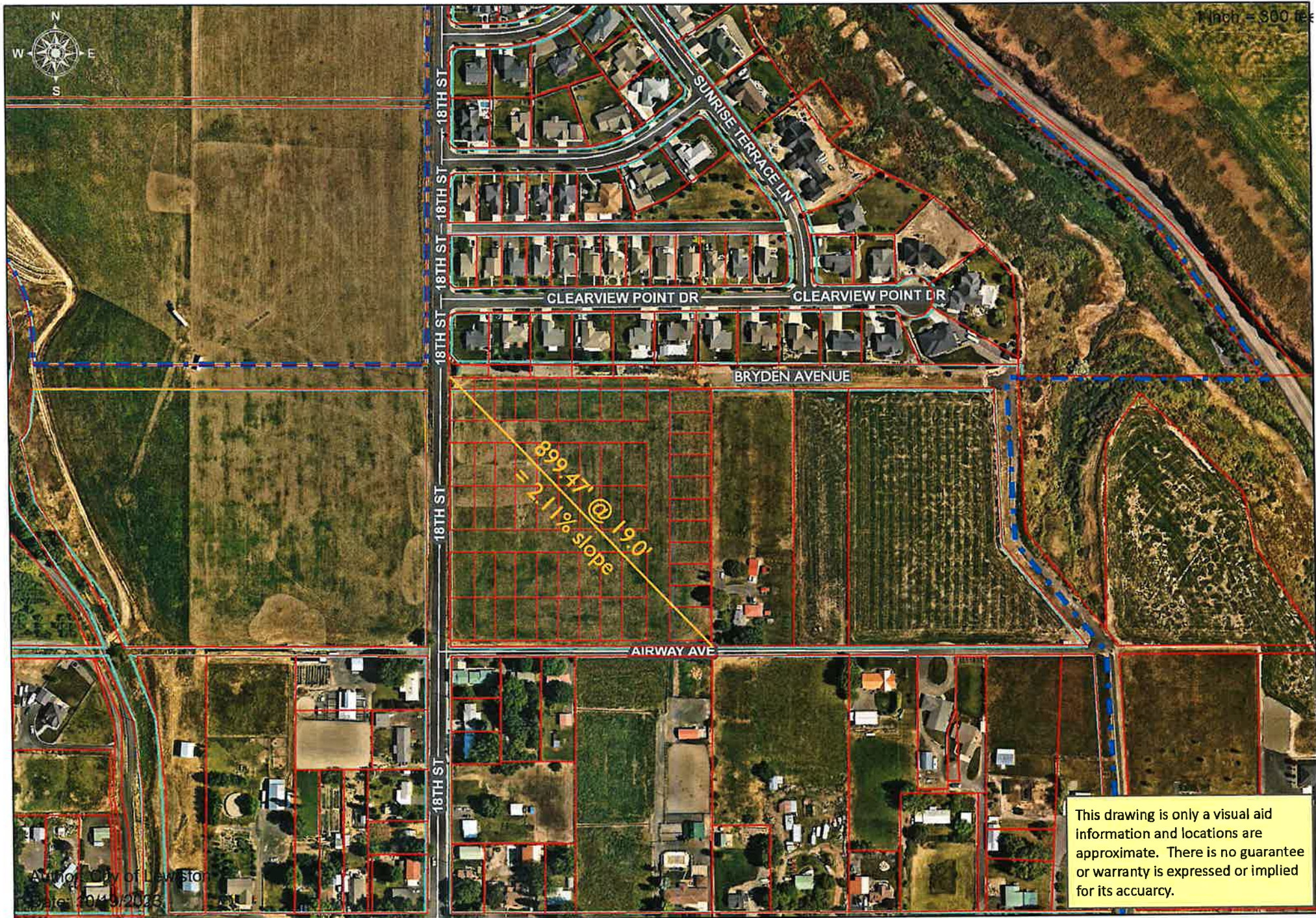
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|--------------------------|--------------------------|
| • LU.1 | • H.1 |
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| • LU.1.2 | • H.1.2 |
| • LU.1.3 | • H.1.3 |
| • LU.2 | • H.2 |
| • LU.2.1 | • H.2.2 |
| • LU.2.2 | • H.3 |
| • LU.2.3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



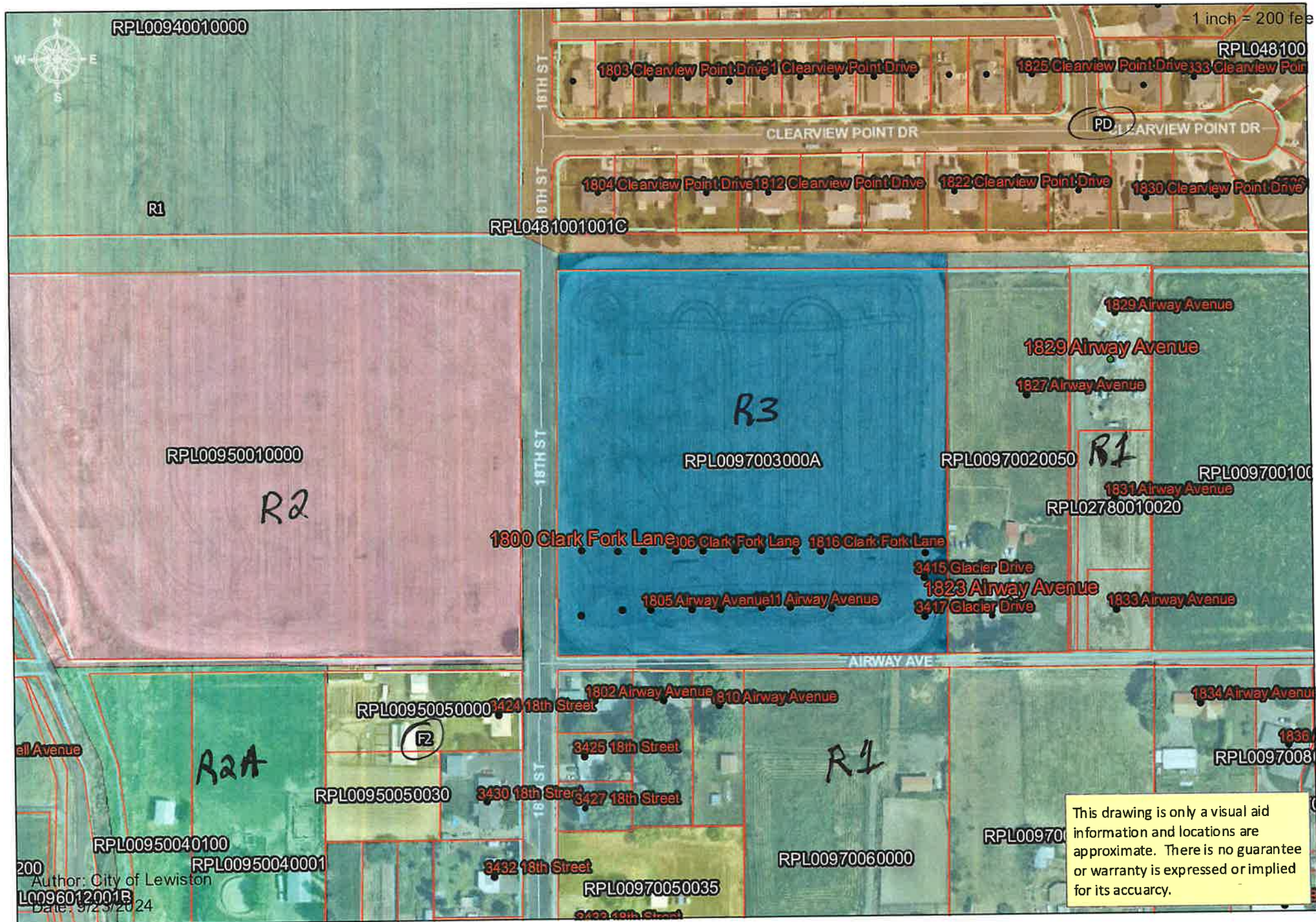
- Primary Use
- Supporting Use
- Discouraged Use



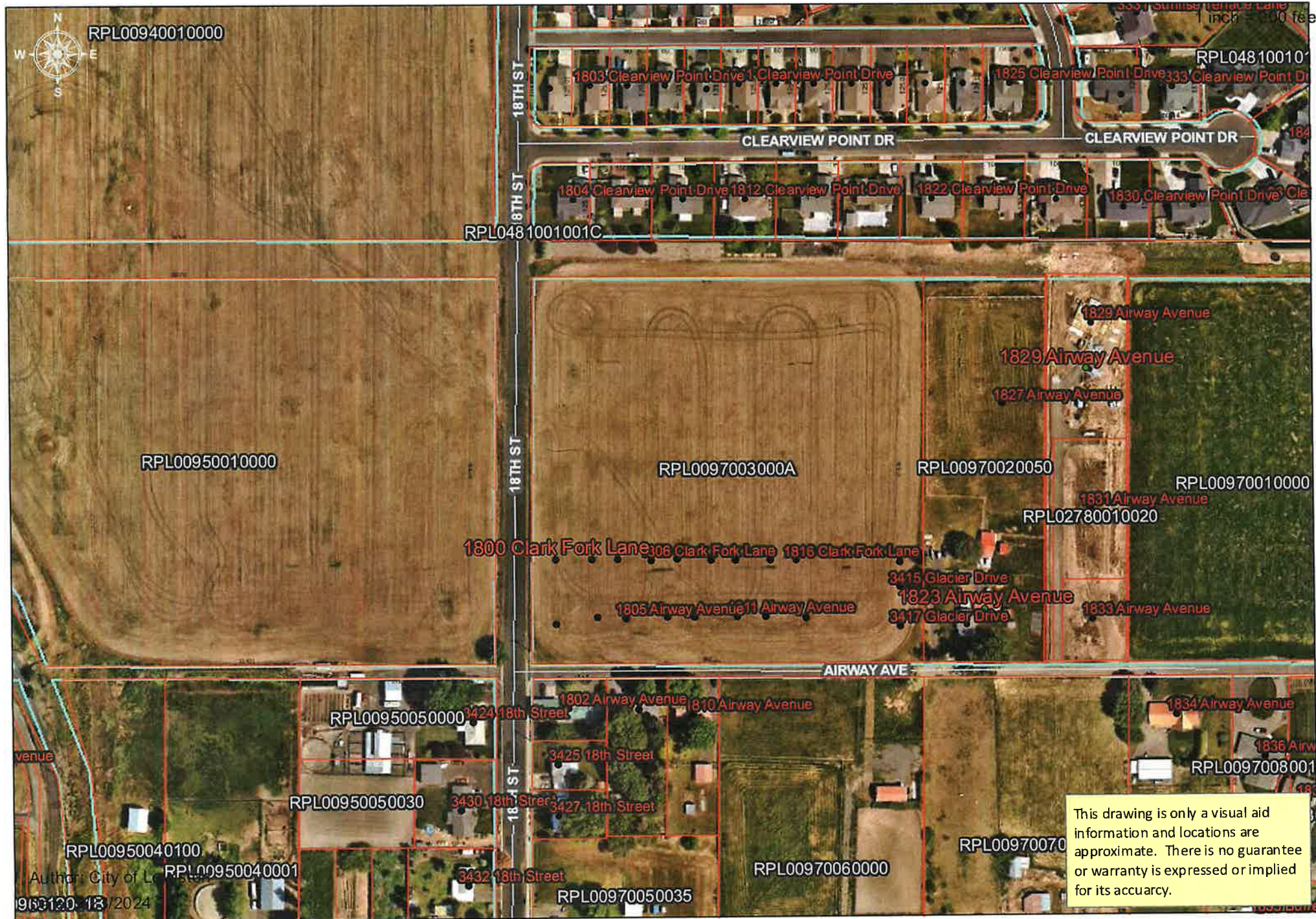
City of Lewiston



City of Lewiston



City of Lewiston



City of Lewiston



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

This document shall serve as memorialization of the rationale for the granting or denial of a variance, 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:
- VII. DECISION:
The Lewiston Planning and Zoning Commission [APPROVES/DENIES] XXX.
- VIII. CONDITIONS OF APPROVAL:
Pursuant to Lewiston City Code § 37-173, the Planning and Zoning Commission may attach conditions upon granting a variance. This variance is subject to the following conditions:

XXX.

IX. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

X. RELEVANT CRITERIA AND STANDARDS:

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

1. Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity and which pose an undue hardship because of characteristics of the site as a result of lot size, or shape, topography, or other special features. Applicable commentary:
2. The variance is not necessary as a result of actions of the applicant, will not grant the applicant a special privilege, and is necessary for the preservation of a property right possessed by owners of other property in the same zone and vicinity. Applicable commentary:
3. The authorization of the variance will not be materially detrimental or injurious to other property or owner of property in the same zone and vicinity, or otherwise conflict with the public interest or with the objectives of adopted city plans or policies. Applicable commentary:
4. The variance requested is the minimum variance which will alleviate the hardship. 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: 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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR VARxx-xxxxxx
Page 2 of 3

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