

MEETING AGENDA

LEWISTON PLANNING AND ZONING COMMISSION

APRIL 12, 2023 AT 5:30 P.M.

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

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

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

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**AS A MATTER OF PUBLIC SERVICE AND GOVERNMENTAL TRANSPARENCY, THIS MEETING  
MAY BE RECORDED, STREAMED LIVE AND/OR ACCESSED AT A LATER TIME. NOTE THAT THIS  
MAY INCLUDE VIDEO AND AUDIO OF ALL PERSONS PRESENT.**  
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- I. **CALL TO ORDER**
- II. **CITIZENS COMMENTS** – An opportunity for citizens to address the Commission with comments and/or questions about Planning and Zoning Commission-related matters that are not a public hearing action item on this agenda. Citizens are asked to limit their time to three minutes each.
- III. **APPROVAL OF MARCH 22, 2023 MEETING MINUTES (ACTION ITEM)**
- IV. **PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR ZONE CHANGE APPLICATION ZNC23-000003 BY BRETT KINZER (ACTION ITEM):** The applicant proposes to rezone from Medium Density Residential, R3, Zone to Community Commercial, C3, Zone, an approximately .52 acre parcel of land at 3133 5th Street, also known as RPL05800010020.

V. COMPREHENSIVE PLAN COMMUNITY QUESTIONNAIRE: Discussion and Completion by Commissioners

VI. STAFF-COMMISSION COMMUNICATIONS

A. Query of Commissioners for the April 26, 2023 meeting (reasoned statement)

VII. ADJOURN (ACTION ITEM)

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

March 22, 2023

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

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

I. CALL TO ORDER

COMMISSIONERS PRESENT: Michael Busch, Chair; Gabriel Iacoboni, Vice Chair; Kevin Kelly; Cynthia Ball;

COMMISSIONERS EXCUSED: Kathy Branson; Maureen Anderson

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

II. CITIZEN COMMENTS

None

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

Commissioners Kelly and Ball moved and seconded, respectively, approval of the March 8, 2023 meeting minutes. The motion carried 4-0.

IV. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR CONDITIONAL USE PERMIT APPLICATION CUPC23-000002 BY TAUNIA HOSKING (ACTION ITEM):

Chair Busch and Commissioner Iacoboni moved and seconded, respectively, the approval of reasoned statement CUPC23-000002. Motion passed 4-0.

V. PUBLIC HEARING ON LAND USE ACTIONS ANX23-000001, CPA23-000001, ZNC23-000001 BY GRECO LAND DEVELOPMENT, LLC AND ADOPTION OF THE REASONED STATEMENT FOR ZNC23-000001 (ACTION ITEM):

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

Assistant Planner Katie Hollingshead stated that each Commissioner received a consent to annex from Lewiston Orchards Irrigation District that was signed at their last meeting. Lewiston Orchards Irrigation District will need to be added as a land owner in the land use action. Both land users need to be listed to complete the annexation properly.

There being no questions and the applicant was not present Chair Busch asked for public comment.

There being no public comment, Chair Busch closed the public hearing

Chair Busch and Commissioner Kelly moved and seconded, respectively, to recommend approval of ANX23-000001 to City Council. Motion passed 4-0.

Commissioners Ball and Kelly moved and seconded, respectively, to recommend approval of CPA23-000001 to City Council. Motion passed 4-0.

Commissioners Kelly and Iacoboni moved and seconded, respectively, to recommend approval of the associated area of city impact map amendment to City Council. Motion passed 4-0.

Commissioners Iacoboni and Ball moved and seconded, respectively, the approval of the Reasoned Statement for ZNC23-0000001. Motion passed 4-0

VI. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for April 12, 2023 meeting.

All current commissioners will be in attendance at the next meeting on April 12, 2023.

Staff Hollingshead stated there will be a public hearing for a zone change at the April 12, 2023 meeting. There is also still an open seat for the Commission.

Commissioner Iacoboni stated there should be an application submitted today for the open seat.

Staff Hollingshead stated the Comprehensive Plan Steering Committee is having a meeting on April 3, 2023. There are several public events scheduled and will be conducting public interviews.

Chair Busch asked if it would be an option to have a large dinner gathering for the Planning and Zoning Commission, Mayor, City Council and City Staff. Almost like an appreciation dinner. This is an idea that Commissioner Branson had in mind, she had done it in a different area and it was a large hit. Staff Hollingshead stated she would reach out to Branson and other Staff to inquire.

VII. ADJOURN

There being no further business, Chair Busch and Commissioner Iacoboni moved and seconded, respectively, to adjourn. The motion carried 4-0 and the Planning and Zoning Commission adjourned at approximately 5:48 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2023.



STAFF USE ONLY

Case Number: ZNC23-000003
Hearing Date: 4.12.23APPLICATION 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: Kinzer Brett Date: 3/6/2023
Last First M.I.

Address: 3133 5th Street
Street Address

Lewiston ID 83501
City State ZIP Code

Phone: (208) 746-8247 Email: kinzerair1@yahoo.com

Property Owner: Brett and Melissa Kinzer Cell Phone: Brett 208.717.8028

Property Owner Mailing Address: 3139 5th St. Lewiston ID 83501

DESCRIPTION OF PROPERTY

Street Address of Subject Property: 3133 5th St.

Subdivision Name: Greenview Addition

Block: 2 Lot: 1

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

NATURE OF REQUEST

Change FROM Zone District: R3 TO Zone District: C3

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.

3133 5th St. is next to and across the street from established commercial zoned properties. Changing the existing R3 zoning to C3 zoning will allow our business to grow and expand, provide additional parking for customers and employees, and allow traffic in and out of our business to have additional distance from the intersection / traffic light.

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 storm water drain that cuts through the property from Preston Ave makes it difficult to develop the 3133 5th St. lot. Rezoning the lot will allow us to use the property for our business to allow much needed growth. Future plans would include merging 3139 5th St., currently the Kinzer Air lot, with the 3133 5th St. lot as they are similar in size.

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

Much of the surrounding area is already zoned C3, the residential area ~~is~~ has several rentals or multifamily rental units. Changing the R3 zoning to C3 on this lot would be a benefit to the R3 properties as it would increase the buffer between business and residential neighbors.

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 zoning change of this lot is intended for growing our business, no change to services, no additional traffic to our existing location, no impact on any of our school districts.

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.

Future planned development may allow Kinzer Air to build an office addition, creating a ^{user} friendly parking and office access for the general public. Move our garbage and recycling containers to the back side of the building and improve our overall appearance from the street sides.

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

* Not in a historic District.

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: Melissa Kinzer

Date: 3/2/2023

The Property Owner hereby authorizes this application:

Signature: Beth Ann

Date: 3/2/2023

**** 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 1/2" x 11") to scale

WNW



March 2, 2023

AKPORT

1:1,386
0 0.01 0.03 0.06 0.11
0 0.01 0.03 0.06 0.11
H&Z Price County GIS Services

March 2, 2023



City of Lewiston Planning and Zoning copy



3/2/2023, 3:20:34 PM

Imagery_2020

Park

Water

URBAN MINOR ARTERIAL

Zone

1:400

0.01 mi

City Limits

Primary Street

URBAN COLLECTOR

A - AIRPORT

0 0.01 0.02 km

Red: Band_1

Green: Band_2

<all other values>

RURAL MAJOR COLLECTOR

Blue: Band_3

URBAN PRINCIPAL ARTERIAL

3133 5th St

From: Nicole Carlton (nicole.carlton@titleonecorp.com)

To: kinzerair1@yahoo.com

Date: Thursday, March 2, 2023 at 03:53 PM PST

Good Afternoon,

I have attached your vesting deed for the above property. The legal description is as follows:

Lot 2, Block 1, Greenview Addition to the City of Lewiston, according to the recorded plat thereof, records of Nez Perce County, Idaho. EXCEPTING therefrom the West 5 feet for right of way purposes.

Let me know if you need anything else, have a great day 😊

Nicole Carlton

Jr. Title Officer

TitleOne

1230 Idaho St.

Lewiston, Idaho 83501

[TitleOneCorp.com](https://www.titleonecorp.com)

Direct: 208-984-7015

Office: 208-746-3513



NOTICE: Any property information contained in this email is subject to the following: This report is based on a search of our tract indexes of the county records. This is not a title or ownership report and no examination of the title to the property described has been made. For this reason, no liability beyond the amount paid for this report is assumed hereunder, and the company is not responsible beyond the amount paid for any errors and omissions contained herein.

BEWARE OF CYBER-FRAUD! Before wiring any funds, call the intended recipient at a number you know is valid to confirm the instructions and be wary of any request to change wire instructions you already received.

This email may be confidential. If you are not the intended recipient, please notify us immediately and delete this copy from your system.

In our ongoing focus on your security, we have changed our encryption provider to Proofpoint encryption. This may require you to create a new account.



870407.pdf

2.1MB

WHEN RECORDED MAIL TO:
Brett and Melissa Kinzer
3139 5th St.
Lewiston, ID 83501

Instrument # 870407

NEZ PERCE COUNTY

10-8-2019 10:04:33 AM No. of Pages: 2

Recorded for : NEZ PERCE COUNTY SHERIFF

PATTY WEEKS

Fee: \$15.00

Ex-Officio Recorder Deputy

Index to: SHERIFFS DEED

Cindy J. Campbell

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SHERIFF'S DEED

This Deed is made and delivered by the Sheriff of Nez Perce County, State of Idaho, as Grantor, to Brett and Melissa Kinzer, as Grantee, whose current address is 3139 5th St., Lewiston, ID 83501.

On December 20, 2018, a Writ of Execution was issued out of and under the seal of the District Court of the Second Judicial District of the State of Idaho, in and for the Nez Perce County, case number CV-2017-0001312, upon judgment and decree of foreclosure and order of sale filed on September 14, 2018, in favor of Plaintiff WELLS FARGO BANK, N.A. The Writ of Execution directed the Sheriff, the Grantor herein, to sell the real property located at 3133 5th St., Lewiston, ID 83501, in Nez Perce County, Idaho, and described more fully herein, and to issue a certificate of sale to the highest bidder according to law.

On March 6, 2019, the Grantor did sell all right, title and interest which Harry E. Jobe and Maxine M. Jobe so had to the lands, tenements, real estate and premises particularly described below at public auction, at the Nez Perce County Sheriff's Office, 1150 Wall St., Lewiston, ID 83501, after having first given due notice of the time and place of such sale according to law. The property was struck off and sold to the Grantee herein for the sum of \$45,703.29, which was the highest sum bid for said property. The Grantor then executed and delivered to the Grantee a certificate of said sale dated March 6, 2019, as is shown by law directed to be given, and such certificate was duly recorded on March 8, 2019, in the official records of the County of Nez Perce, under instrument number 865036. The certificate of sale was subject to redemption rights as prescribed by law for a period of six months after the sale date.

The redemption period has now expired, without any redemption of said premises having been made by any party with the right to do so.

THEREFORE, the Sheriff, as Grantor, pursuant to the law of the State of Idaho, does hereby grant, bargain, sell, convey, and confirm unto the said Grantee, forever, all the right, title, interest, and claim which Harry E. Jobe and Maxine M. Jobe had on March 6, 2019, or at any

Page 1 of 2

* NEZ PERCE COUNTY SHERIFF
ATTN: JOANNE

time thereafter, or which they may now have, in and to that parcel of land situate, lying, and being in the County of Nez Perce, State of Idaho, and bounded and particularly described as:

LOT 2, BLOCK 1, GREENVIEW ADDITION TO THE CITY OF LEWISTON,
ACCORDING TO THE RECORDED PLAT THEREOF.

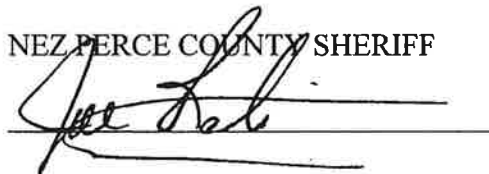
EXCEPT THE WEST 5 FEET THEREOF FOR RIGHT OF WAY PURPOSES.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said real property, with appurtenances, unto said Grantee, its heirs, assigns, successors in interest, forever, as fully and absolutely as the said Sheriff can, may, or ought to grant, bargain, sell, convey, and confirm, by virtue of the said Writ of Execution and the statutes of the State of Idaho.

IN WITNESS WHEREOF, the said Sheriff, as Grantor, has hereunto set his hand and seal this 26th day of September, 2019.

NEZ PERCE COUNTY SHERIFF

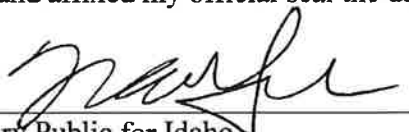


State of Idaho)
 :SS.
County of Nez Perce)

On this 26th day of September, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Joe Rodriguez, the duly appointed and incumbent Sheriff of Nez Perce County, Idaho, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he, as such Sheriff, executed the same.

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




Notary Public for Idaho
My commission expires: Jan. 25, 2025
Residing at: Lewiston, ID

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 APRIL 12, 2023 at 5:30 P.M.
COMMUNITY DEVELOPMENT DEPARTMENT BUILDING
2ND FLOOR MEETING ROOM,
215 D STREET LEWISTON, ID 83501

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

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

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

APPLICATION ZNC23-000003 BY BRETT KINZER: The applicant proposes to rezone from Medium Density Residential, R3, Zone to Community Commercial, C3, Zone, an approximately .52 acre parcel of land at 3133 5th Street, also known as tax parcel RPL05800010020.

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

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

Notice of this public hearing was mailed on March 28th, 2023 and 35 persons were noticed.

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

ZNC23-000003

Properties within 330' Boundary

OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
BINGMAN, JUSTIN &	BINGMAN, KRISTA	138 N GARDEN CT	LEWISTON	ID	83501
BINKLEY, MICHAEL		3207 5TH ST	LEWISTON	ID	83501
BOWEN, MIKEL &	BOWEN, ALEX	130 N GARDEN CT	LEWISTON	ID	83501
BUDACH, GUSTAV		512 PRESTON AVE	LEWISTON	ID	83501
CARLTON, ROBERT &	CARLTON, LINDA	425 WARNER AVE	LEWISTON	ID	83501
CARLUCCI, JOSEPH		135 N GARDEN CT	LEWISTON	ID	83501
COMSTOCK, PRESTON &	COMSTOCK, KRISTINE	PO BOX 1902	LEWISTON	ID	83501
CREITZ, NATHAN &	SANBORN, JENNA	133 N GARDEN CT	LEWISTON	ID	83501
DANTHER TWO LLC		1337 CEDAR AVE	LEWISTON	ID	83501
DILLARD, JOHN &	DILLARD, CONNIE	PO BOX 485	LEWISTON	ID	83501
DOWDY, MICHAEL		3125 5TH ST	LEWISTON	ID	83501
FIX, DENNIS &	FIX, LINDA	143 N GARDEN CT	LEWISTON	ID	83501
FLYNN, TRACY &	FLYNN, MARCIE	126 N GARDEN CT	LEWISTON	ID	83501
GONZALES, DIANE		201 S GARDEN CT	LEWISTON	ID	83501
GOODWILL INDUSTRIES OF		E 130 3RD AVE	SPOKANE	WA	99202
GOOS, CREDWYN		16 RIVERSIDE DR W	BRICK	NJ	8723
GRECO, ANDREA		PO BOX 424	GRANGEVILLE	ID	83530
KINZER, BRETT &	KINZER, MELISSA	3139 5TH ST	LEWISTON	ID	83501
KONEN, KRIS &	KONEN, KRISTOPHER	3321 7TH ST	LEWISTON	ID	83501
LAUFENBERG, KEITH &	LAUFENBERG, SHARI	706 S STATE ST	GRANGEVILLE	ID	83530
LEWIS CLARK DISTRICT COUNCIL	ST VINCENT DEPAUL	604 2ND ST	CLARKSTON	WA	99403
LYDIE, WILLIAM JR &	LYDIE, MARIA	134 N GARDEN CT	LEWISTON	ID	83501
MARTIN, TERENCE		3136 CANYON PL	LEWISTON	ID	83501
MILLER-GRAY, VIVIAN		3534 10TH ST	LEWISTON	ID	83501
OVERALL, SPENCER &	OVERALL, CONNIE	114 N GARDEN CT	LEWISTON	ID	83501
PALMER, SHANNON		206-1/2 S GARDEN CT	LEWISTON	ID	83501
REED, NICHOLAS		3127 5TH ST	LEWISTON	ID	83501
SCHWARTZ, JONATHAN		127 N GARDEN CT	LEWISTON	ID	83501
SMITH, RICHARD &	JOHNSON, PEGGY	909 CEDAR AVE	LEWISTON	ID	83501
SPENCER RENTAL PROPERTIES LLC		2370 3RD AVE	CLARKSTON	WA	99403
TERM L L C		714 D ST	LEWISTON	ID	83501
WAITS, JACOB		3124 5TH ST	LEWISTON	ID	83501
WESTON, RONALD &	WESTON, VIRGINIA	204 S GARDEN CT	LEWISTON	ID	83501
WILSON, JESSE		3126 5TH ST	LEWISTON	ID	83501
YORK, LINDA		202 S GARDEN CT	LEWISTON	ID	83501

City of Lewiston





PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 3/31/2023

Case File Number: ZNC23-000003

Applicant:

Brett Kinzer
3133 5th Street
Lewiston, ID 83501

Property Owner:

Brett & Melissa Kinzer
3133 5th Street
Lewiston, ID 83501

Site Location:

3133 5th Street

Request/Proposal: The applicant requests that the property located at 3133 5th Street be rezoned from the current Medium Density Residential, R3, Zone to the Community Commercial, C3, Zone.

Subject Property and Surrounding Land Uses: The subject property is .52 acres of land that contains a single family dwelling. Properties to the north are a mix of single family, duplex and multi-family dwellings, property to the west, across 5th Street, is commercial (Goodwill and St. Vincent DePaul), to the east are single family dwellings and properties to the south are a mix of commercial (the existing Kinzer Air business adjacent to the subject property and then across Preston Ave an eye doctor office, restaurant, bar and salon), multi-family and single family dwellings.

Related Or Other Pending Discretionary Actions:

ZNC23-000003

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

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) Mortuary, subject to the special conditions of section [37-20.1](#)(1) of this code;
- (9) Multifamily dwelling, meeting the standards of section [37-124.1](#) of this code;
- (10) Park, subject to the special conditions of section [37-20.1](#)(4) of this code;
- (11) School, subject to the special conditions of section [37-20.1](#)(3) of this code;
- (12) Single-family dwelling;

(13) Two-family dwelling;

(14) Small lot development subject to the requirements of section [37-33](#), standards for small lot development. (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)

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

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

(8) 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;

(9) 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;

(10) 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;

(11) Semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 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)

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.

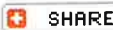
(2) *Long-term care facility.*

- (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)

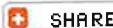
Sec. 37-45. Lot size.



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. SHARE

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. SHARE

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. SHARE

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

COMMUNITY COMMERCIAL ZONE C-3

Sec. 37-67. Community Commercial Zone C-3. SHARE

(a) *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. SHARE

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 (10) 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 (1-1/2) inch caliper deciduous tree or one (1) six (6) foot evergreen tree and five (5) one (1) 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. [SHARE](#)

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)

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.

SHARE

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

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

Comprehensive Plan:

The subject property is located in Neighborhood 5, West Orchards and has a Comprehensive Plan future land use designation of Commercial.

Relevant statements from the Comprehensive Plan include the following:

CHAPTER 6. LAND USE

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

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

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

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

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

OBJECTIVES: LU-10.1: Commercial activities should be encouraged in the following established commercial areas:

Downtown

21st Street/Thain

Bryden Avenue, - at Thain - at Southgate Shopping Center - at the Airport

East Main Street

South Way - at Snake River Avenue

16th Avenue - at 21st Street - at 8th Street

East Lewiston, in proximity to Highway 12

5 th Street and Preston

Neighborhood Number Five – West Orchards

Within this neighborhood, every housing type found in the City of Lewiston is located, from older manufactured home parks to newer high end homes, new and older multifamily projects, senior housing developments of various types and both site built and manufactured single family homes. This neighborhood is the most densely developed in the Orchards and generally meets or exceeds four units per acre.

b. Commercial Land Use There are major commercial uses located within this neighborhood, most notable are Wal Mart store and the ShopKo shopping center, both significant regional magnets. The area at the southeast corner of Thain and Stewart Avenue is developing into a small shopping center to meet many of the needs of Orchards residents. Other “big box” retailers are locating on property accessing Thain Grade at signalized intersections. Other businesses on Thain Road tend to be those that serve the day to day needs of local residents. Outside of the Thain Road corridor, commercial development is located on Bryden Avenue at and near the South Gate Plaza Shopping Center, now an employment center with Regence Blue Shield as the major tenant, and small centers at 5th Street and Preston Avenue. There are also a number of home occupations in the area.

Bryden Canyon Road, Bryden Avenue, 5th Street north of Bryden Avenue and Thain Road are all classified as minor arterial streets. Nez Perce Grade, Preston Avenue, Stewart Avenue between 4th and 5th Streets, Vineyard Avenue, Burrell Avenue and 7th Street south of Burrell Avenue are classed as collector streets. All other streets are classed as local.

Input From Other Departments/Agencies:

The Fire Department commented; “Fire has no issues relevant to the request.”

The Engineering Division of the Public Works Department commented; “No objection to zone change. Note that there is open drainage channel identified within this parcel (Lot 2, Block 1 of Greenview Addition Subdivision).”

Analysis:

The subject property is approximately .52 acres with a single family dwelling currently on it. The applicant also owns the adjoining property to the south at 3139 5th Street and operates their business, Kinzer Air, out of that property. The applicant proposes to rezone the property at 3133 5th Street to the same Community Commercial, C3, zone that 3139 5th Street is located in. In order to expand their business location and a rezone of 3133 5th Street will allow them to expand the office space. The applicant, upon approval of the rezone, will demolish the existing single family dwelling, combine the two lots into one and build an addition on to the existing office space. The expansion onto the subject

property would also provide space for additional parking. The applicant's property at 3139 5th Street currently has a pylon sign located on it and no additional pylon or monument signage is proposed. Any additional signage would be subject to the regulations specified in Chapter 30, Sign Code, of the Lewiston City Code.

Surrounding properties are a mix of commercial uses and medium density residential uses, with commercial establishments on all four corners of the 5th Street and Preston Avenue intersection. This small commercial node is shown on the Comprehensive Land Use Map as having a future land use designation of Commercial for the subject property. 5th Street is an arterial street and Preston Avenue is a collector street, this intersection is on both the West and East Route bus routes, although it is not a bus stop location.

Relevant Criteria and Standards:

See attached worksheet.

Prepared By:

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P.O.Box 617
Lewiston, ID 83501

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

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

I. APPLICATION NUMBER:

II. APPLICANT'S NAME AND ADDRESS:

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:

IV. DATE OF PUBLIC HEARING:

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

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

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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR ZNC~~xx-xxxxxx~~

Page 1 of 3

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: 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.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR ZNCxx-xxxxxx

An action or ruling by the Planning and Zoning Commission pursuant to the City of Lewiston Zoning Code may be appealed to the Lewiston City Council by the person who initiated the action before the Planning and Zoning Commission or by any person entitled to notice by mail of the action under section 37-184(b)(2) of the City of Lewiston Zoning Code. Such appeal must be filed within fifteen (15) calendar days after the Planning and Zoning Commission has adopted its written Reasoned Statement of Relevant Criteria and Standards. Written notice of the appeal must be filed with the City Clerk within such fifteen (15) day period. If an appeal is not filed and the fee required by section 37-188 of the City of Lewiston Zoning Code is not deposited with the City Clerk within such fifteen (15) day period, the decision of the Planning and Zoning Commission shall be final.

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Tanya Brocke, Community Development Specialist

2N123-00003



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for its accuracy.

City of Lewiston

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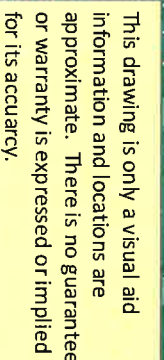


Author: City of Lewiston
Date: 4/5/2023

Source: Esri, HERE, Garmin, Intermap, Incorp, P Corp., GEBCO, GeoBase, IGN, Kadaster NL, OpenStreetMap contributors, and the GIS User Community

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2NC23-000003



TOPOGRAPHY

City of Lewiston

2N1C23-000003



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City of Lewiston
Date: 5/2/2023
3204 11th St
5TH ST
PRESTON AVE
PRESTON AVE