



**Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
February 26, 2025 - 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 (3) minutes each.

III. ACTIVE AGENDA

A. APPROVAL OF FEBRUARY 12, 2025 MEETING MINUTES (ACTION ITEM)

B. PRELIMINARY PLAT – NORTH LEWISTON BUSINESS PARK (ACTION ITEM)::

Applicant proposes to subdivide approximately 10.21 acres of property in North Lewiston into 4 lots. The Commission will consider the associated Reasoned Statement of Relevant Criteria and Standards and make a recommendation to City Council. - Action Item ()

C. INITIATION OF ZONING CODE AMENDMENT ZA-01-25, LANDSCAPING (ACTION ITEM):: The Commission will consider initiating amendments to Lewiston Zoning Code Section 37-153. These amendments vary in nature adding clarification to the current parking lot landscaping purpose and requirements, adding consistency between code section provisions, changing required landscape planter widths, adding provisions for maintenance, and omitting unnecessary and redundant provisions. If the Commission initiates these amendments, a public hearing on the matter will be scheduled for a future meeting. - Action Item ()

D. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP25-1 BY LEWIS CLARK EARLY CHILDHOOD PROGRAM (ACTION ITEM):: The applicant requests conditional use permit approval for an early childhood education program (preschool) at 1021 Burrell Avenue in the Low Density Residential, R2A, Zoning district. Preschools are permitted as a Conditional Use in the R2A Zone, subject to the special conditions of section 37-201 (6) of the Lewiston City Code. - Action Item ()

IV. STAFF-COMMISSION COMMUNICATIONS

A. SOLICITING COMMISSIONER ATTENDANCE FOR THE NEXT REGULARLY SCHEDULED MEETING OF MARCH 12, 2025.

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.

February 12, 2025

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

I. CALL TO ORDER

COMMISSIONERS PRESENT: Emily Wolf, Vice Chair; Maureen Anderson; Shaunita Cable; Cynthia Ball

COMMISSIONERS EXCUSED: Gabriel Iacoboni, Chair; Kathy Branson; Kevin Kelly;

STAFF MEMBERS PRESENT: Joel Plaskon, City Planner; Dawn Ortiz, Community Development Office Supervisor; Jennifer Tengono, City Attorney

II. CITIZENS COMMENTS

None

III. ACTIVE AGENDA

A. APPROVAL OF JANUARY 22, 2025 MEETING MINUTES (ACTION ITEM)

Commissioners Ball and Anderson moved and seconded, respectively, approval of the January 22, 2025 meeting minutes with corrections. The motion carried 4-0.

B. PUBLIC HEARING AND RECOMMENDATION TO COUNCIL ON ZONING CODE AMENDMENT, ZA-02-24 (ACTION ITEM):

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

Staff Plaskon provided a verbal summary and history of the amendments proposed in ZA-02-24 to remove the prohibition on the use of shipping containers as buildings in the city.

There being no questions for staff, Vice Chair Wolf asked for public testimony.

Staff Ortiz read the following emails to the commissioners.

Email from Marilyn Irvine, Lewiston “I am writing to ask you to vote against the placement of shipping containers in residential neighborhoods. These ugly hulks downgrade the appearance of neighborhoods. We have had two of these industrial boxes in our neighborhood and they are eyesores. Vote against the placement of shipping containers in neighborhoods. They belong in industrial parks. If people

need additional storage, there are many commercial storage units to choose from in the LC Valley.”

Email from William Furstenau, Lewiston “I apologize for not appearing in person to present my testimony, but a prior commitment makes that inadvisable.

Three decades ago, out of a sense of civic pride, our city council decided to ban the installation of shipping containers for use as storage units in residential areas and limit the temporary use of these eyesores in commercial zones. Back then, city officials recognized that shipping containers were unsightly, contributed to the degradation of neighborhoods, and were rightly perceived as trashy. This law from 30 years ago is still on the books, and it should stay on the books. But over time, the code has been flagrantly violated and enforcement has been largely ignored. Thus, illegal shipping containers are scattered all over town. This is a clear illustration of the fact that ignoring bad behavior leads to more bad behavior. So now, you members of the Planning and Zoning Commission are being asked to reward bad behavior by throwing out the present law and replacing it with one that would allow the installation of shipping containers in all zones, anywhere in the city, in any neighborhood. Shipping containers are not accessory buildings. Shipping containers are shipping containers. Nothing can change that. And rewarding bad behavior for whatever reason is never a good idea, because those who are misbehaving might get used to it. What’s next on the list of existing piles of junk that should be allowed - just because? This town needs to be cleaned up, and here is a good place to start. Let’s keep the present law that bans shipping containers. Let’s not reverse one of the few options we citizens of Lewiston have that protects us from having to put up with this kind of stuff.”

There being no further testimony, Vice Chair Wolf closed the public hearing.

After deliberation Commissioner Anderson and Cable moved and seconded, respectively, to recommend approval of ZA-02-24 to the City Council. Motion passed 3-1 with Commission Ball apposing.

IV. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for the February 26, 2025 meeting.

All current commissioners present will be in attendance for the February 26, 2025 meeting.

Staff Plaskon said that there will be a public hearing for a Conditional Use Permit at the February 26th meeting. He also stated the Zoning Code Amendment to amend the Small Lot Development Standards went to City Council for public hearing and they passed the 1st reading of the ordinance, but they changed it so that the developers would only have to meet 2 of the 10 design standards instead of the 5.

Staff Tengono stated that Idaho Supreme Court has recently issued a new decision. This decision encourages making sure that boards and commissions appropriately identify the specific standards and criteria for which they're basing their decisions on. And obviously, the longer the record is the longer your decision should be. She will be issuing an advice letter at a later date.

V. **ADJOURN**

There being no further business, Commissioner Anderson and Ball moved and seconded, respectively, to adjourn. The motion carried 4-0 and the Planning and Zoning Commission adjourned at approximately 5:49 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2025.



February 18, 2025

To: Lewiston Planning and Zoning Commission

Re: North Lewiston Business Park - Preliminary Plat (SUB24-000010)

Commissioners:

The North Lewiston Business Park preliminary plat proposes to subdivide approximately 10.21 acres of property in North Lewiston into 4 Lots. The proposed development is located south of 7th Avenue North in the middle of the block between 24th Street North and 28th Street North. Although two of the proposed lots in the subdivision exhibit the wide street frontage typical of a "standard" lot, and two of the lots are configured in a typical "flagpole" style, the Heavy Industrial zoning of the parcel does not have minimum lot width requirements. All of the proposed lots exceed the minimum street frontage requirement of 20 feet, established by Section 37-123.2(3) of City Code, for lots in a zone with no minimum lot width requirements. As shown on the preliminary plat, an existing motor freight transfer facility currently occupies the proposed Lot 1. The remainder of the parcel is currently undeveloped. In accordance with Section 32-31(b) of City Code, the developer is requesting approval of a preliminary plat for the entire parcel encompassing the four proposed lots, but is proposing to complete the construction of development improvements and file for final plats in three separate sub-phases.

Approximately 589 l.f. of frontage improvements along 7th Avenue north consisting of curb, gutter, sidewalk, and asphalt patch-back, will need to be constructed to service the finished subdivision. The City of Lewiston will provide water and sewer service for the proposed lots. In order to provide gravity flow for the sewer line servicing the proposed development, the applicant is working with an adjacent landowner to secure a public utility easement to allow the proposed sewer main to flow west out of the center of the development. Avista Utilities, Centurylink/Lumen Technologies, and Sparklight have also confirmed their intent to provide utility service. Private stormwater facilities, constructed during the development of individual lots, will likely need to be installed to accommodate the stormwater that is anticipated to be generated by the subdivision's large commercial lots.

The subject property is zoned M-2, and the proposed lot configurations adhere to the requirements of the M-2 zone, as outlined in the City of Lewiston Zoning Ordinance, City Code Chapter 37.

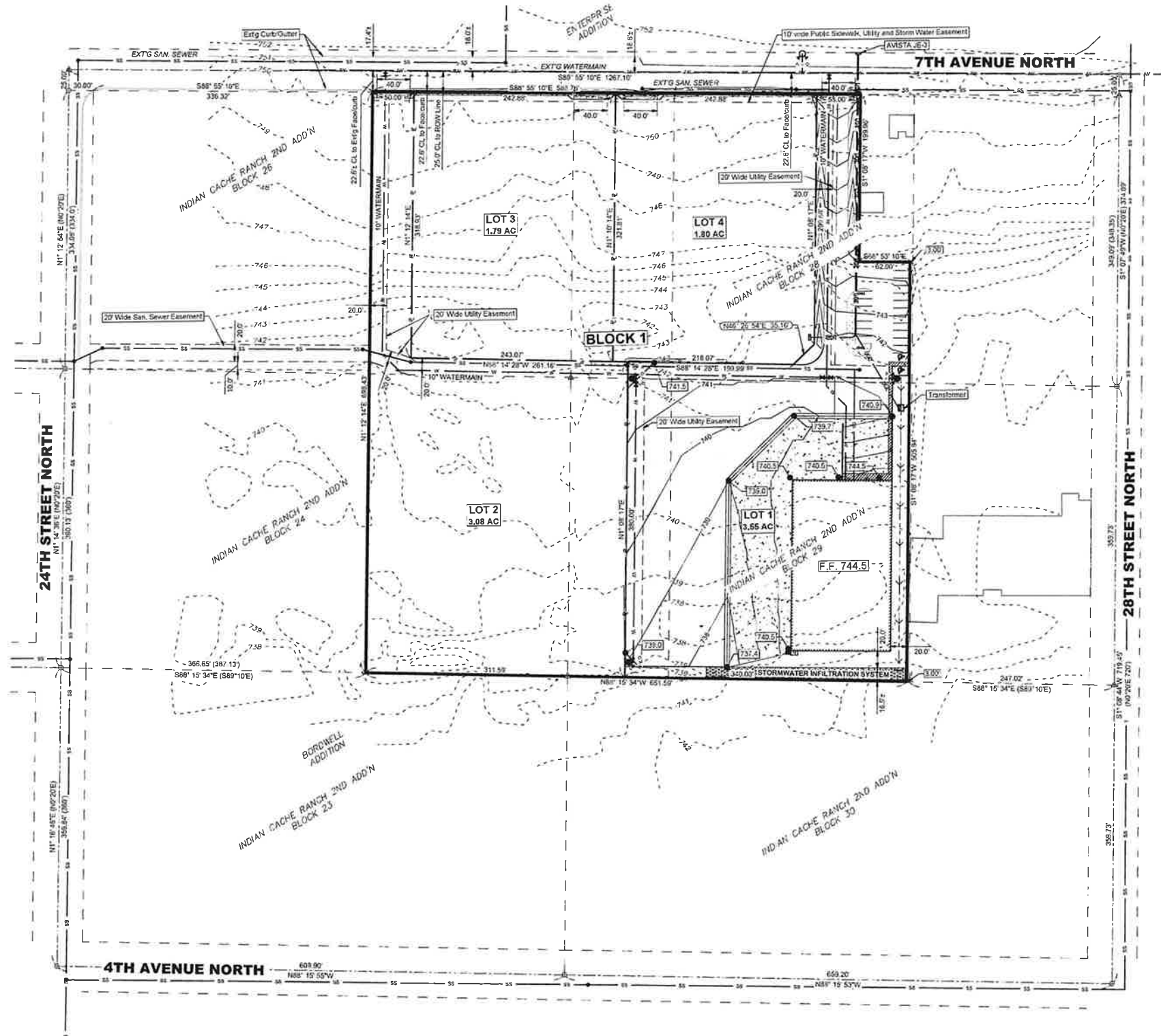
The preliminary plat is presented at a scale of 60' to the inch when printed at full scale, which differs from the 100' to the inch standard specified in Section 32-20(a) of subdivision code. Because the 60' to 1" scale provides for better "clarity of lines, bearings, and dimensions" as specified in Title 50-1304 (1) of Idaho Code, City staff recommends that the 60' to 1" scale be accepted as exceeding the code requirement of the specified 100' to 1" scale. With the exception of the noted difference in scale, the preliminary plat complies with the applicable requirements of the City of Lewiston Subdivision Ordinance, City Code Chapter 32.

City Staff recommends that the Lewiston Planning and Zoning Commission recommend to the Lewiston City Council approval of the North Lewiston Business Park preliminary plat as presented. A draft reasoned statement, which incorporates information contained in the staff report, has been prepared for your consideration or use at your discretion.

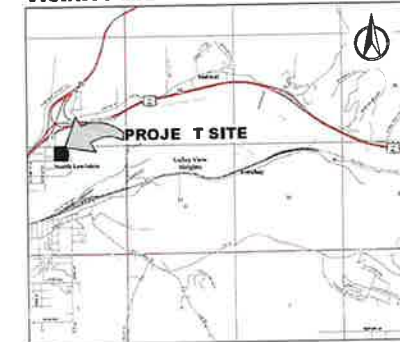
Sincerely,



Mark Weigand, PLS
City Surveyor



VICINITY MAP



DEVELOPER INFORMATION

MJM Developers, LLC
Jaili Bisma
509-710-6330
P.O. Box 40142 Spokane, WA 99220

UTILITY PROVIDERS

Gravity Sanitary Sewer City of Lewiston
Water City of Lewiston
Power & Gas Avista Utilities
Telecomm. Lumen/Centurylink

NOTES

1. 4 Lots Proposed
2. Current Zoning is M-2
3. Area of the Existing Tract is 10.21 Acres ±
4. All Lot frontages shall have a "10' wide Public Sidewalk, Utility and Storm Water Easement."
5. Development Stormwater shall be directed to infiltration systems behind the street curbing.
6. All lots are required to provide on-site, subsurface detention for the stormwater generated by all impervious surfaces. All final grading and stormwater improvements need to be completed prior to Certificate of Occupancy will be approved.



NORTH LEWISTON BUSINESS PARK - PRELIMINARY PLAT
MJM DEVELOPERS, LLC
PART OF BLOCKS 24, 25, 26, 27, 28, 29 & PART OF -
Former Clearwater Valley Railroad Right-of-way -
INDIAN CACHE RANCH 2ND ADDITION, LEWISTON, IDAHO
NW 1/4 S. 32, T. 36 N., R. 5 W., B.M.



HAMMOND ENGINEERING & DEVELOPMENT CO.
23022 Perimeter Blvd., Suite 100
Spokane, WA 99216
(509) 443-4303

DESCRIPTION
A. 10/26/24 - Initial plan/revision/revision
B. 10/26/24 - Revised as per City Review Comments dated 10/24/2024
C. 02/17/25 - Revised as per City Review Comments dated 10/24/2024

11/5/24

10/07/24

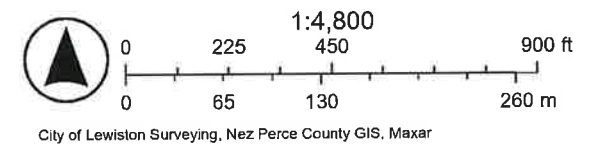
2328

2328-PP1

City of Lewiston



2/18/2025, 1:39:26 PM







**CITY OF LEWISTON PLANNING AND ZONING COMMISSION
REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
RECOMMENDING APPROVAL, APPROVAL WITH CONDITIONS, OR
DENIAL OF A SUBDIVISION PRELIMINARY PLAT TO THE LEWISTON
CITY COUNCIL**

This document shall serve as memorialization of the rationale for the recommendation to Lewiston City Council, approving, approving with conditions, or denial of a Subdivision Preliminary Plat, 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:**
SUB24-000010
- II. **APPLICANT'S NAME AND ADDRESS:**
MJM Developers, LLC
P.O. Box 40142
Spokane, WA 99220
- III. **IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:**
10.21 acres of property in North Lewiston located south of 7th Avenue North in the middle of the block between 24th Street North and 28th Street North, Lewiston, Idaho.
- IV. **IDENTIFICATION OF ZONING DISTRICT AND FUTURE LAND USE DESIGNATION OF SUBJECT PROPERTY:**
Heavy Industrial (M-2) Zone, Industrial
- V. **DATE OF CONSIDERATION:**
February 26, 2025
- VI. **NAME OF GOVERNING BODY:**
City of Lewiston Planning and Zoning Commission
- VII. **NATURE OF SUBJECT APPLICATION:**
Application for approval of subdivision preliminary plat.
- VIII. **DECISION:**
The Lewiston Planning and Zoning Commission recommends **APPROVAL** of SUB24-000010 (North Lewiston Business Park - Preliminary Plat).

IX. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

None.

X. RELEVANT CRITERIA AND STANDARDS:

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

1. The proposed subdivision **will** be in compliance with the intents and purposes of Chapter 32 (Subdivisions) of the Lewiston City Code. Lewiston City Code § 32-2 (Purpose and Intent) states:
 - (a) The purpose of this chapter is to provide for the orderly growth and harmonious development of the City of Lewiston, to insure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to insure consideration for adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal descriptions; and to provide logical procedures for the achievement of this purpose.
 - (b) Its interpretation and application, the provisions of this chapter are intended to provide a common ground of understanding and a sound equitable working relationship between the public and private interests to the end that both independent and mutual objectives can be achieved in the subdivision of land. Applicable commentary:

The North Lewiston Business Park preliminary plat proposes to subdivide approximately 10.21 acres of property in North Lewiston into 4 Lots. The proposed development is located south of 7th Avenue North in the middle of the block between 24th Street North and 28th Street North. Although two of the proposed lots in the subdivision exhibit the wide street frontage typical of a "standard" lot, and two of the lots are configured in a typical "flagpole" style, the Heavy Industrial zoning of the parcel does not have minimum lot width requirements. All of the proposed lots exceed the minimum street frontage requirement of 20 feet, established by Section 37-123.2(3) of City Code, for lots in a zone with no minimum lot width requirements. As shown on the preliminary plat, an existing motor freight transfer facility currently occupies the proposed Lot 1. The remainder of the parcel is currently undeveloped. In accordance with Section 32-31(b) of City Code, the developer is requesting approval of a preliminary plat for the entire parcel encompassing the four proposed lots, but is proposing to complete the construction of development improvements and file for final plats in three separate sub-phases.

Approximately 589 l.f. of frontage improvements along 7th Avenue north consisting of curb, gutter, sidewalk, and asphalt patch-back, will need to be constructed to service the finished subdivision. The City of Lewiston will provide water and sewer service for the proposed lots. In order to provide gravity flow for the sewer line servicing the proposed development, the applicant is

working with an adjacent landowner to secure a public utility easement to allow the proposed sewer main to flow west out of the center of the development. Avista Utilities, Centurylink/Lumen Technologies, and Sparklight have also confirmed their intent to provide utility service. Private stormwater facilities, constructed during the development of individual lots, will likely need to be installed to accommodate the stormwater that is anticipated to be generated by the subdivision's large commercial lots.

2. The proposed subdivision **will** be in compliance with the intents and purposes of Chapter 37 (Zoning Code) of the Lewiston City Code. Lewiston City Code § 37-2 (Purpose) states: "The purpose of this chapter is to promote the orderly development of the city according to the comprehensive plan; to conserve and stabilize the value of property; and otherwise to promote the public health, safety, and general welfare." Applicable commentary:

The proposed plat adheres to the requirements for the M-2 Zone which were established to promote the orderly development of the city according to the comprehensive plan; to conserve and stabilize the value of property; and otherwise to promote the public health, safety, and general welfare.

3. The proposed subdivision **will** be in compliance with Chapter 37 (Zoning) of the Lewiston City Code standards (unless otherwise waived by Conditional Use Permit or Variance) to include meeting the minimum lot depth, minimum lot width, and minimum lot area standards as set forth by the zoning district which it is located in. Applicable commentary:

The proposed subdivision was reviewed by the City of Lewiston Community Development Department, and Community Development staff confirmed that the proposed subdivision is in compliance with applicable standards contained in Chapter 37 of Lewiston City Code, and meets the lot configuration requirements for lot width, lot depth, and lot size as established for the applicable M-2 zone.

4. The proposed subdivision **will** be in conformance with the Lewiston Comprehensive Plan's requirements and objectives. Applicable commentary:

The proposed subdivision is in conformance with the Lewiston Comprehensive Plan which includes the subject property in the Industrial - Future Land Use Designation area. The proposed subdivision promotes the desired Industrial characteristics by providing development opportunities for warehouses and distribution centers, research and development centers, storage facilities and industrial parks that are separated from residential areas and provide easy access to a major transportation corridor.

5. The proposed subdivision **does** include the entire tract of land, unless an approved preliminary plat, planned unit development (PUD), or approved development master plan shows development in phases. Applicable commentary:

The plat area includes the applicants entire parcel as determined by a survey in the field conducted by an Idaho Licensed Land Surveyor.

6. The proposed subdivision **has** been reviewed by applicable public utility providers.

Representatives of applicable public utility providers have reviewed the plat proposal, and affirmed their ability and intent to provide service by signing the utility services acceptance form contained in the preliminary plat application packet.

7. The applicant **has** complied with all elements of Lewiston City Code § 32.20. Applicable commentary:

The plat was reviewed by the City Surveyor and Public Works Staff under the direction of the City Engineer. The preliminary plat is presented at a scale of 60' to the inch when printed at full scale, which differs from the 100' to the inch standard specified in Section 32-20(a) of subdivision code. Because the 60' to 1" scale provides for better "clarity of lines, bearings, and dimensions" as specified in Title 50-1304 (1) of Idaho Code, City staff recommends that the 60' to 1" scale be accepted as exceeding the code requirement of the specified 100' to 1" scale. With the exception of the noted difference in scale, the preliminary plat contained the information as required by Section 32.20 of the City Subdivision Code.

8. The proposed subdivision **does not** contain all or any part of the site of a proposed park, school, flood control facility, or other public area as shown by the City's Comprehensive Plan or future acquisitions map.

The approved City Comprehensive plan does not propose any public areas at this location.

9. The proposed subdivision **is not** within a known floodplain. Applicable commentary:

This location is within a historic floodplain, but a U.S. Army Corps of Engineers levee system now protects the area to a level greater than the 1% storm event. The FEMA Flood Insurance Rate Map classifies this site as "Zone C – Area of minimal flooding"

10. The proposed subdivision **does not** have, in whole or in part, terrain having an average slope exceeding ten percent (10%).

The native slopes of all land located within the plat area are less than the 10% threshold. All constructed improvements will be designed by an Idaho licensed engineer.

11. The proposed subdivision **is** in conformance with the City's Master Transportation Plan and/or neighborhood plan. Applicable commentary:

The current adopted Transportation Plan does not address, or make recommendations for the property located within the applicants proposed development.

12. The proposed subdivision's street name(s) **are** in conformance with Lewiston City Code § 31-85.
Applicable commentary:

No new streets are proposed by the associated subdivision and all existing streets have been previously named and accepted by the City Council.

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

Not applicable.

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

Not applicable.

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

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Specialist

Sec. 37-3. Definitions.

As used in this chapter:

Parking lot means ~~a parcel of~~ land devoted to the off-street parking spaces for of more than four (4) motor vehicles, contiguously.

Sec. 37-153. Landscaping.

- (a) Purpose: Landscaping requirements are to be an integral part of ~~all site and parking lot~~ development and redevelopment. The intent is to create shade and reduce heat buildup, reduce the barren appearance of parking lots, create aesthetic environments, buffer adjoining land uses, slow stormwater runoff, and mitigate pollution, buffer incompatible uses, reduce the barren appearance of parking lots, create aesthetic environments, create shade and reduce heat buildup while maintaining design flexibility.
- (b) Landscaping shall be required for all ~~off-street parking areas~~ lots for more than five (5) vehicles, except for those uses enumerated unless otherwise exempted in subsection (j) of this section ~~and to provide landscaped buffers between public rights-of-way and parking lot areas~~, subject to the following provisions:
 - (1) A five-foot wide minimum ~~buffer~~ landscape strip is required between ~~the~~ a parking lot and a public rights-of-way with a minimum of one (1) one and one-half-inch caliper shade tree and five (5) shrubs every ~~thirty-five (350)~~ linear feet. The plantings therein shall not interfere with motorist sight distance within a clear vision area, as defined in Section 32-1 of this Code.
 - (2) All parking lots under ten thousand (10,000) square feet of vehicular surface area shall have a minimum of ~~two three (3)-~~ foot wide perimeter ~~planting area~~ landscape strip around that portion of the parking ~~area~~ lot not adjacent to ~~the~~ a public rights-of-way. All lots over ten thousand (10,000) square feet are to have a minimum of five-foot perimeter ~~planting~~ landscape strip around that portion of the parking ~~area~~ lot not adjacent to ~~the~~ a public right-of-way. All perimeter planting strips are to have a minimum of one (1) shade street of one and one-half-inch caliper and five (5) shrubs every ~~thirty-five (350)~~ linear feet.
 - (3) All landscaping required by this section shall be in healthy condition at the time of planting, planted in soil type and depth appropriate to ensure its growth and health, and maintained to an extent that it furthers the stated purpose of this section. The topping, heading, or stubbing of trees required by this section is prohibited, unless authorized by the City Forester or deemed necessary in writing by a certified arborist.
 - (4) All landscape areas required by this section shall contain groundcover appropriate for the continued health of the plantings therein and for the prevention of erosion.
 - (3) Interior landscaping is to be a percentage of the total vehicular surface area and is in addition to the perimeter and right-of-way landscaping requirements.

Vehicular surface area	Percent of interior landscaping
2,500—6,999 square feet	3%
7,000—49,999 square feet	5%
50,000—149,000 square feet	8%
150,000 or larger	10%

Interior plantings are to include trees with a minimum size of one and one-half-inch caliper. ~~To ensure proper growth of vegetation, a~~ All interior planting beds shall have a minimum ~~dimension~~ area of five (5)

~~feet by five (5) of six (6) feet at the narrowest point with a soil depth appropriate for the trees selected.~~
See City of Lewiston tree planting standards and techniques for proper tree planting procedures. No shrub landscaping is required for interior planting.

Required shade trees will be of such species and canopy shape to provide a predicted fifty (50) percent canopy cover of the parking lot area after a ten-year growth period.

All tree species shall be classified by the City Tree Selection Guide as drought, insect and disease resistant. Exceptions may be approved by the community development director upon the recommendation of the city forester. Preservation of healthy trees existing on the site before construction may be used to satisfy species and landscaping requirements.

(4) An irrigation system shall be provided for all required landscaping.

- ~~(c) In the commercial (C), manufacturing (M) zones, airport (A) and port (P) zone, all required front yard setbacks shall be landscaped. Landscaping shall consist of a minimum of one (1) tree of one and one-half inch caliper and five (5) shrubs per thirty-five (35) linear feet.~~
- ~~(d) In the commercial (C), manufacturing (M), airport (A), and port (P) zones, when abutting a residential zone, the required side and rear yards, which share a common property line with the residential zone, shall be landscaped or fenced except as provided for in this section. Landscaping shall consist of a minimum of sixty (60) percent coniferous plants, a minimum of six (6) feet in height at the time of planting, spaced in a manner to create a complete visual screen between the abutting land uses within three (3) years from time of planting. Fencing shall consist of six-foot tall wood, slatted chain-link or masonry panels. Prior to installation of the landscaping or fencing, the adjacent residential property owner shall be contacted and asked for input whether the buffer will be landscaping or fencing. The adjacent residential owner may also waive the buffer. The adjacent residential property owner shall be given fifteen (15) days to indicate their preference. If no response is provided within fifteen (15) days, the nonresidential property owner may install fencing or landscaping as described above.~~
- ~~(ec) Trees and shrubs may be arranged to achieve the desired effect provided the required number is provided.~~
- ~~(f) A performance bond may be required to ensure compliance with this section and to cover maintenance for a period not to exceed one (1) year after time of planting.~~
- ~~(gd) An occupancy permit shall not be issued by the community development department until the required landscaping is completed. Occupancy of a building is not allowed unless the following condition applies:~~
 - ~~(1) If, due to seasonal weather considerations, it is not feasible to install required landscaping, a temporary certificate of occupancy may be issued after a performance bond or other security instrument acceptable to the city attorney has been posted with the city in the amount of one hundred twenty-five (125) percent of the value of the required improvements upon showing by the property owner of a written commitment to install the required landscaping by a date certain and calling the Community Development Department for inspection thereof.~~
- ~~(he) It is not the intent of this chapter to inhibit creative solutions to land use problems. An alternative design or modification of these requirements may be allowed with the approval of the community development director. This is not a variance of or waiver of existing standards and the proposed alternative must meet or exceed existing requirements. Requirements may be modified when:~~
 - ~~(1) Soil or slope limitations make strict adherence impractical;~~
 - ~~(2) Safety considerations are involved, especially in the clear vision triangles;~~
 - ~~(3) Due to a change of use of an existing site, the required buffer yard is larger than can be provided.~~
- ~~(i) In all manufacturing and commercial zones, all undeveloped land areas that were disturbed during the construction phase, excluding the building footprints and parking areas, shall be leveled to grade, removing~~

~~all surface irregularities, weed growth and construction debris in preparation for installation of approved erosion control measures. All areas that were previously disturbed during the construction phase and subsequently prepared for seeding, must be properly planted with specified grass during the first seasonally appropriate planting period. All areas which will not be seeded with grasses shall be stabilized with approved erosion control measures prior to issuance of a certificate of occupancy for the primary structure.~~

(j) Exemptions:

- (1) Single-family residential off-street parking areas;
- (2) Properly licensed auto and vehicle dealers are exempt from providing landscaping within the interior of the sales and display area;
- (3) Parking areas of less than five (5) contiguous parking spaces.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4400, § 1, 7-11-05)



STAFF USE ONLY	
Case Number:	CUP25-000001
Hearing Date:	2.26.25
Nature of CUP Application:	Preschool in R2A zone

APPLICATION FOR CONDITIONAL USE PERMIT

(Pre-application meeting strongly encouraged)

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

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

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

APPLICANT INFORMATION

Full Name: Lewis Clark Early Childhood Program Date: 1-24-25
Last First M.I.

Address: 1816 18th Ave
Street Address

Lewiston ID 83521
City State ZIP Code

Phone: 208-743-6573 Email: _____

OWNERSHIP INFORMATION

Property Owner Name: Boys & Girls Club

Phone: (208) 717-3193 Email: nshears@poweroftheclub.org

Mailing Address: 1021 Burrell Avenue, Lewiston ID 83501

PROPERTY INFORMATION

Street Address of Subject Property: 1021 Burrell Ave, Lewiston, ID 83501

Subdivision Name: _____ Block: _____ Lot: _____

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

Property Zoning: _____

NATURE OF YOUR REQUEST

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

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

PLAN INFORMATION

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

Site plans shall include the following:

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

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

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

APPLICATION SUBMITTAL AND PROCESSING

Incomplete applications will not be processed.

Application fee must be paid at the time of submittal.

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

APPLICANT'S CERTIFICATION

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

Signature of Applicant: Shi S. Roy

Date: 1-22-25

The Property Owner hereby authorizes this application:

Signature of Owner: Nick Shew

Date: 1/24/25

**Application for Conditional Use Permit for Lewis Clark Early Childhood Program (LCECP)
at:**

**Boys & Girls Club
1021 Burrell Ave
Lewiston, ID 83501**

Nature of Request:

- 1) The space in question is located on a corner on the northeast side of the building. The facility will be used as an early childhood education setting for families who qualify under Head Start eligibility standards. There will be a total of four staff and 18 children enrolled at one time. There will be additional staff when program requirements and special services for children will be conducted. Hours of operation will be 8:00-3:30 for children, Monday-Thursday, and 7:45-4:30 for staff Monday-Friday. There will be no class held on Friday's unless it is a make-up day. This will happen when holiday's fall on Monday's, and to ensure we meet our requirements for hours served to meet our Head Start Grant.**

Traffic may increase slightly at drop-off and pick times as parents will enter, park and leave the lot during those times. Parents and visitors will be encouraged to park at the east end of the building where there is an entrance to our classroom. We will have meals delivered by our kitchen staff from the main building, at the east entrance. All of this will happen periodically and should not cause traffic issues for the Club's transportation vehicles and parents.

- 2) We currently occupy the space and are using the same utilities as the Club itself.**
- 3) a. During the time occupied by our program, the Club does not have any students in the building. There will be occasional loud noises in the classroom due to activities and behaviors, as well as when the children and staff enter and exit the classroom to attend to physical play in the gym or outside. LCECP program staff will work with children on how to walk through the building and discuss and teach skills to keep appropriate noise levels.**

b. Our program provides educational services for low-income and at-risk families in the community. We service the family holistically and encourage parents and families to become advocates for their children's education and for their families. We work with community agencies to ensure families and children receive the necessary resources to reach family goals and children's educational goals.

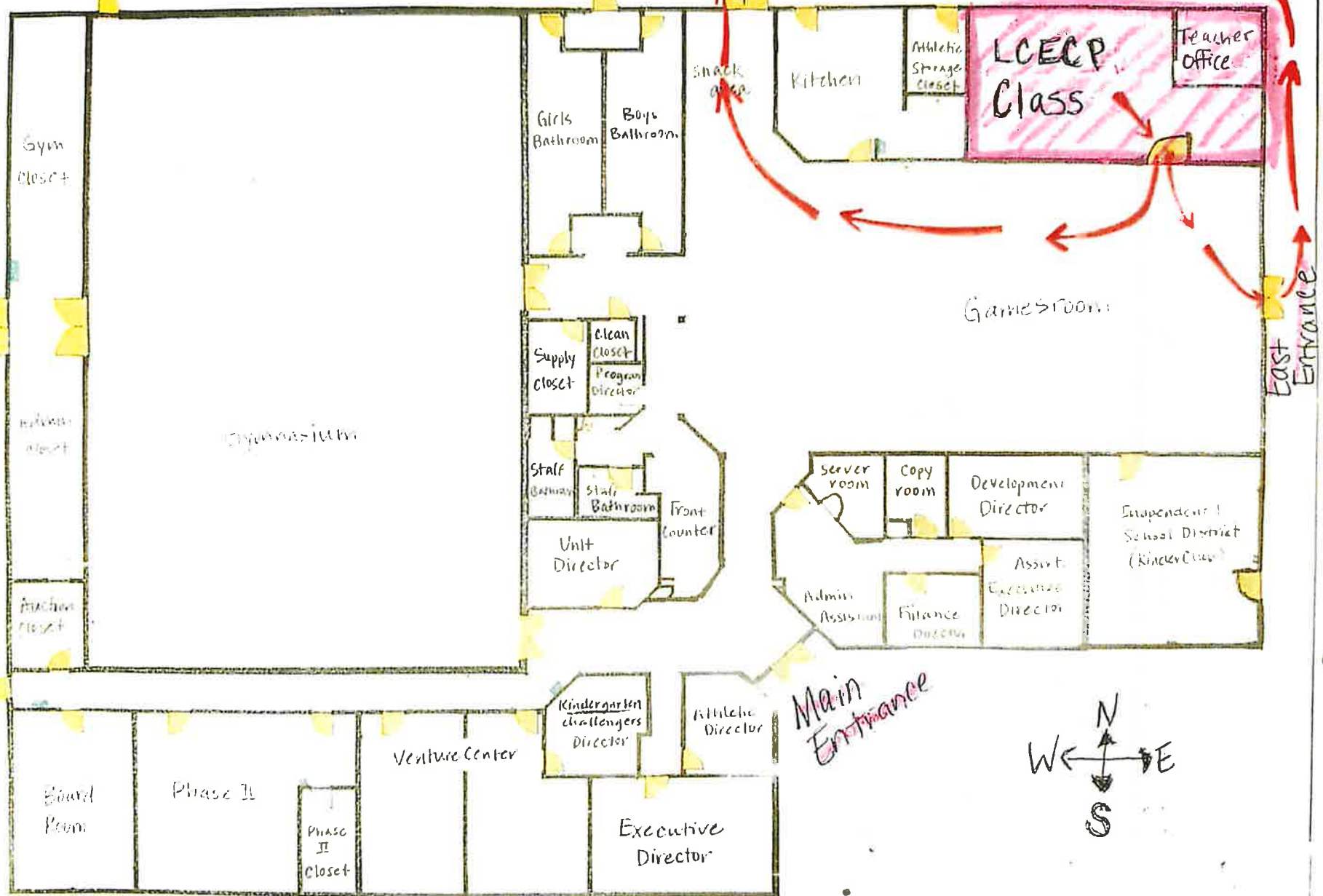
c. Our program hours work well with the Club's hours as our children are in session while other students are in public school classrooms. This will ensure the safety of our children during program hours and the safety of the Club's children and staff

when public school is out of session. Both programs serve children and therefore have the space and materials adequate for our developing students.

d. Our program curriculum includes lessons and activities on how to care for our environment and how to treat materials and others with respect and safety in mind.

e. The 1021 Burrell location is actually split on the Future Land Use Map, half in Neighborhood Commercial and half in Neighborhood Residential. Neighborhood Commercial does also allow for low to mid-intensity commercial service for surrounding residents. LCECP provides educational services for low-income families in the immediate area, and for those who do not have the ability to transport to our Lewiston or Normal Hill sites. The proposed early childhood education us also conforms to Goal PSFU.2 "Maximize access to service by prioritizing partnerships." By partnering with VBG Club, we can provide developmentally appropriate activities in a school setting for children to enhance school readiness for the families we serve. The proposed also conforms Objective PSFU2.2, "Engage with community on programs and facility input on future programs and facilities." By continuing the use of this facility, we are able to enroll 18 more children into our program and provide holistic services to the children and famiolies through early childhood education, and family services.

North
MEET IN FIELD



Parking

South

Lewis Clark Early Childhood Program Parking at Boys and Girls Club at 1021 Burrell:

Parents are instructed to park on the East side of the building, and use the East entrance located closest to the classroom.

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 comments/testimony on

Wednesday February 26, 2025 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.

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

PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP25-1 BY LEWIS CLARK EARLY CHILDHOOD PROGRAM (ACTION ITEM): The applicant requests conditional use permit approval for an early childhood education program (preschool) at 1021 Burrell Ave in the Low Density Residential, R2A, Zoning district. Preschools are permitted as a Conditional Use in the R2A Zone subject to the special conditional of section 37-20.1(6) of the Lewiston City Code.

FOR FURTHER INFORMATION ABOUT THIS PROPOSAL contact Katie Hollingshead at the Community Development Department at khollingshead@cityoflewiston.org or (208) 746-1318, ext. 7261.

Submission of Written Comments/Testimony: To ensure that written comments can be forwarded to the Planning and Zoning Commission and relevant city staff prior to the hearing, please submit comments/testimony no later than **5:00 p.m. on Tuesday February 25, 2025** by: Emailing dortiz@cityoflewiston.org or mailing to: Dawn Ortiz, Community Development Department, PO Box 617, Lewiston, ID 83501.

Comments/Testimony for public hearings may also be given in-person at the meeting, during the public hearing.

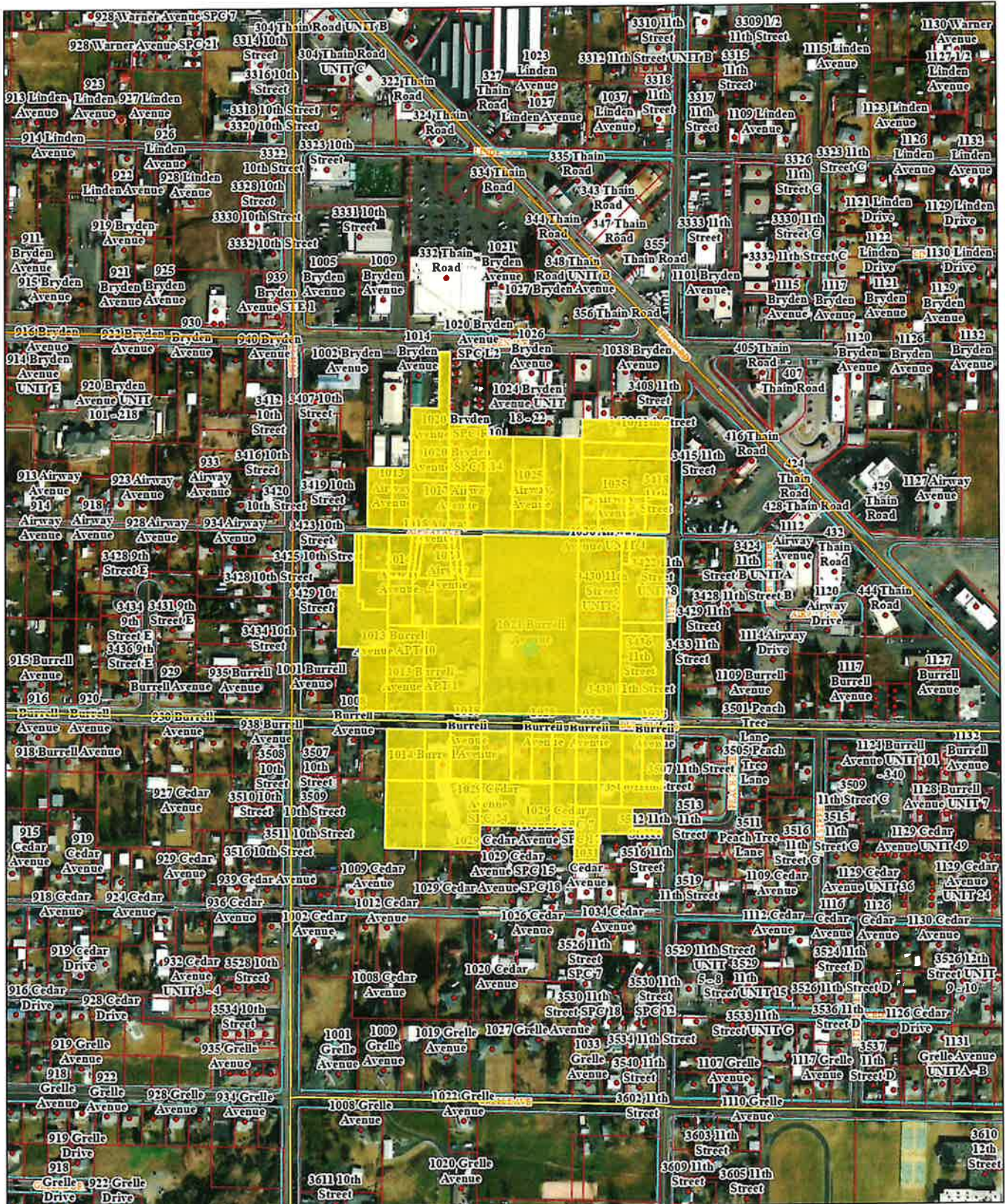
Public Hearing notice publication date: Sunday February 9, 2025.

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, Dawn Ortiz, at least forty-eight (48) hours in advance of the meeting at dortiz@cityoflewiston.org or (208) 746-1318, ext. 7265.

OWNER1	OWNER2	IN_CARE_OF	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP	SITE_ADD
LEONARD JOSEPH A &	LEONARD MIEKE C		PO BOX 2115	LEWISTON	ID	83501	3416 11TH ST
DAMMARELL CHAD			1016 AIRWAY AVE	LEWISTON	ID	83501	1016 AIRWAY AVE
CARLTON LORI R			P O BOX 32	LEWISTON	ID	83501	1015 AIRWAY AVE #A
IDAHO ASSOCIATES L L C		OMEGA HEALTHCARE INV INC	303 INTERNATIONAL CIR STE 200	HUNT VALLEY	MD	21030	1014 BURRELL AVE
GLASS JUSTIN L &	GLASS EMERALD D		1030 BURRELL AVE	LEWISTON	ID	83501	1030 BURRELL AVE
PHILLIPS WILLIAM C &	PHILLIPS SUSAN K		P O BOX 384	ELK CITY	ID	83525	1027 AIRWAY AVE
HAYHURST ROBIN D &	HAYHURST BARBARA A		1025 AIRWAY AVE	LEWISTON	ID	83501	1025 AIRWAY AVE
CARTER JACQUELINE M			1018 BURRELL AVE	LEWISTON	ID	83501	1018 BURRELL AVE
SMITH LARRY J &	SMITH ANA M		1020 AIRWAY AVE	LEWISTON	ID	83501	1020 AIRWAY AVE
WADDINGTON PAUL &	WADDINGTON ERIN		1036 BURRELL AVE	LEWISTON	ID	83501	1036 BURRELL AVE
PHILLIPS WILLIAM K			1029 AIRWAY AVE	LEWISTON	ID	83501	1029 AIRWAY AVE
GREEN LANTERN MHP LLC			17837 1ST AVE S PMB 363	NORMANDY PARK	WA	98148	
PICKETT JOANNE C			1021 AIRWAY AVE	LEWISTON	ID	83501	1021 AIRWAY AVE
SPRUELL MICHELLE &	WENTLAND MICHAEL		1028 BURRELL AVE	LEWISTON	ID	83501	1028 BURRELL AVE
OLMSTEAD RANDALL L			1026 BURRELL AVE	LEWISTON	ID	83501	1026 BURRELL AVE
PREUSSLER BRADLY S &	YERKES MARY K		1017 AIRWAY AVE	LEWISTON	ID	83501	1017 AIRWAY AVE
SARBACHER KERRY DAWN &	SARBACHER ASHLEY LADAWN		3410 11TH ST	LEWISTON	ID	83501	
WADDINGTON PAUL &	WADDINGTON ERIN		1036 BURRELL AVE	LEWISTON	ID	83501	
PEDERSEN GUY W			1024 AIRWAY AVE	LEWISTON	ID	83501	1024 AIRWAY AVE
MALCOM ELDON R &	MALCOM LYNN G		1014 AIRWAY AVE	LEWISTON	ID	83501	1014 AIRWAY AVE
SARBACHER KERRY DAWN &	SARBACHER ASHLEY LADAWN		3410 11TH ST	LEWISTON	ID	83501	3410 11TH ST
PHILLIPS WILLIAM K			1029 AIRWAY AVE	LEWISTON	ID	83501	1029 AIRWAY AVE
ROE JUDITH D			1032 BURRELL AVE	LEWISTON	ID	83501	1032 BURRELL AVE
2K LAND DEVELOPMENT L L C			P O BOX 685	ASOTIN	WA	99402	1013 BURRELL AVE
CARLTON STEVEN W			1103 BRYDEN AVE	LEWISTON	ID	83501	1020 BRYDEN AVE
GABRIEL RICHARD M &	NASH KARI J		1018 AIRWAY AVE	LEWISTON	ID	83501	1018 AIRWAY AVE
CARLTON LORI R			P O BOX 32	LEWISTON	ID	83501	1013 1/2 AIRWAY AVE
PRESTIGE CARE INC			7700 NE PARKWAY DR STE 300	VANCOUVER	WA	98662	1022 BURRELL AVE
CHINCHINIAN FAMILY LLC		CHINCHINIAN MATTHEW	314 SILCOTT RD	CLARKSTON	WA	99403	3422 11TH ST
CHURCH BIBLE MISSIONARY INC			3438 11TH ST	LEWISTON	ID	83501	3436 11TH ST
CARLTON LORI R			PO BOX 32	LEWISTON	ID	83501	1009 AIRWAY AVE
ELLENWOOD JACKSON P	SPECIAL NEEDS TRUST		PO BOX 717	LAPWAI	ID	83540	1038 BURRELL AVE
THIRIOT KIMBERLY &	THIRIOT JUSTIN LYON		1035 AIRWAY AVE	LEWISTON	ID	83501	1035 AIRWAY AVE
GARRISON MARLENE G			3514 11TH ST	LEWISTON	ID	83501	
FOUST WILLIAM T &	FOUST TARRY A		1012 AIRWAY AVE	LEWISTON	ID	83501	1012 AIRWAY AVE
CARTER JACQUELINE M			1018 BURRELL AVE	LEWISTON	ID	83501	
WARNOCK JUSTIN PATRICK &	WARNOCK ESTHER		1010 AIRWAY AVE	LEWISTON	ID	83501	1010 AIRWAY AVE
PETERS ROBERT &	PETERS VERONICA		1034 BURRELL AVE	LEWISTON	ID	83501	1034 BURRELL AVE
BLESSED HOPE ASSEM OF GOD INC			1033 BURRELL AVE	LEWISTON	ID	83501	
JONES MARY D			3506 11TH ST	LEWISTON	ID	83501	3506 11TH ST
VALLEY BOYS & GIRLS CLUB INC			1021 BURRELL AVE	LEWISTON	ID	83501	1021 BURRELL AVE
BECKLEY MICHAEL A &	BECKLEY SYLVIA S		1019 AIRWAY AVE	LEWISTON	ID	83501	1019 AIRWAY AVE
CHINCHINIAN FAMILY LLC		CHINCHINIAN MATTHEW	314 SILCOTT RD	CLARKSTON	WA	99403	3430 11TH ST
CLARK TIMOTHY J &	CLARK ODESSA L		3418 11TH ST	LEWISTON	ID	83501	3418 11TH ST
BOYS & GIRLS CLUBS OF THE	LEWIS CLARK VALLEY INC		1021 BURRELL AVE	LEWISTON	ID	83501	1015 BURRELL AVE

STARR BRENT A &	STARR KATERIA C E		1009 BURRELL AVE	LEWISTON	ID	83501	1009 BURRELL AVE
MCCLOUD GERALD F &	MCCLOUD JUDY E		P O BOX 2047	LEWISTON	ID	83501	1022 AIRWAY AVE
ARFORD KIRK T &	ARFORD JOYCELYN G		904 25TH AVE UNIT 102	LEWISTON	ID	83501	1008 AIRWAY AVE
MILLER ROBERT D &	MILLER BRENDA S		PO BOX 1212	LEWISTON	ID	83501	1006 AIRWAY AVE

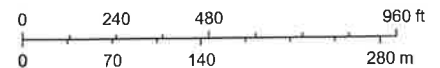
City of Lewiston



1/28/2025, 1:25:17 PM

1:3,799

- Address
- Street



City of Lewiston Surveying, Nez Perce County GIS, Maxar



PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 2/04/2025

Case File Number: CUP25-1

Applicant:

Lewis Clark Early Childhood Program
1816 18th Ave
Lewiston, ID 83501

Property Owner:

Boys and Girls Club of the Lewis Clark Valley
1021 Burrell Avenue
Lewiston, ID 83501

Site Location:

1021 Burrell Avenue
Lewiston, ID 83501

Request/Proposal: The applicant requests Conditional Use Permit approval for an early childhood education program (preschool) at 1021 Burrell Avenue in the Low Density Residential, R2A, Zoning district. Preschools are permitted as a Conditional Use in the R2A zone subject to the special conditions of section 37-20.1(6) of the Lewiston City Code.

Subject Property and Surrounding Land Uses:

The subject property is an approximately 4.6 acre parcel of land that contains the Boys and Girls Club of the Lewis Clark Valley clubhouse. Surrounding properties are a mix of churches (adjacent on the east and west sides), single family dwellings (to the north and south), multi-family dwellings (to the northeast) and a long term care facility (to the southwest).

CUP25-000001

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

Sec. 37-3. Definitions.

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

(Ord. No. 4108, § 2, 8-15-94)

DIVISION 4. - LOW DENSITY RESIDENTIAL ZONE R-2A

• **Sec. 37-34. - R-2a low density residential zone.**

Purpose. To provide land for lower density residential development with the keeping of livestock as a conditional use.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4161, § 4, 7-1-96; Ord. No. 4249, § 13, 10-25-99)

• **Sec. 37-35. - Uses permitted outright.**

In an R-2A 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) Manufactured home park, subject to the provisions of [chapter 23](#) of this Code, with a maximum density of nine (9) dwelling units per acre;
- (7) Mortuary, subject to the special conditions of [section 37-20.1\(1\)](#) of this Code;
- (8) Park, subject to the special conditions of [section 37-20.1\(4\)](#) of this Code;
- (9) School, subject to the special conditions of [section 37-20.1\(3\)](#) of this Code;
- (10) Single-family dwelling;
- (11) Tiny house village, subject to the provisions of [chapter 23](#) of this Code, with a maximum density of nine (9) dwelling units per acre;
- (12) Two-family dwelling.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 14, 10-25-99; Ord. No. 4385, § 5, 2-14-05; Ord. No. 4398, § 8, 1-9-06; [Ord. No. 4841](#), § 6, 11-14-22)

• **Sec. 37-36. - Conditional uses permitted.**

In an R-2A 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;

CUP25-000001

- (3) Group day care, subject to the special conditions of [section 37-13.1\(3\)](#) of this Code;
 - (4) Intermediate care facility;
 - (5) Keeping of livestock, subject to the standards of [sections 37-195](#) through [37-199](#) of this Code;
 - (6) Long-term care facility;
 - (7) 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;
 - (8) Multifamily dwelling, meeting the standards of [section 37-124.1](#) of this Code;
 - (9) Noncommercial kennel, subject to commercial kennel standards of [section 37-163\(15\)](#) of this Code;
 - (10) Preschool, subject to the special conditions of [section 37-20.1\(6\)](#) of this Code;
 - (11) Public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;
 - (12) 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;
 - (13) 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;
 - (14) Semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency;
 - (15) Manufactured home park, subject to the provisions of [chapter 23](#) of this Code, with a density greater than nine (9) dwelling units per acre;
 - (16) Small lot development subject to the requirements of [section 37-33](#), standards for small lot development;
 - (17) Tiny house village, subject to the provisions of [chapter 23](#) of this Code, with a density greater than nine (9) dwelling units per acre.
- (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 15, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4354, § 2, 3-29-04; Ord. No. 4385, § 6, 2-14-05; Ord. No. 4398, § 9, 1-9-06; Ord. No. 4433, § 3, 1-9-06; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4531, § 3, 7-13-09; Ord. No. 4656, § 2, 3-28-16; Ord. No. 4676, § 5, 11-28-16; Ord. No. 4742, § 2G, 8-19-19; Ord. No. 4799, § 4, 3-8-21; [Ord. No. 4841](#), § 7, 11-14-22)

• **Sec. 37-37. - Lot size.**

In an R-2A zone, the minimum lot size shall be as follows:

- (1) For a single-family dwelling, the minimum lot area shall be seven thousand five hundred (7,500) square feet, subject to [sections 32-45\(f\)\(1\)](#) and [36-103](#) of this Code.
 - (2) For a two-family dwelling, the minimum lot area shall be ten thousand (10,000) square feet, and connection to a municipal sanitary sewer system must be provided.
 - (3) For a multifamily dwelling, the minimum lot area shall be ten thousand (10,000) square feet plus four thousand (4,000) square feet for each dwelling unit over two (2), and connection to a municipal sanitary sewer system must be provided.
 - (4) Lot width shall be a minimum of seventy (70) feet.
 - (5) Lot depth shall be a minimum of one hundred (100) feet.
 - (6) 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. 4381, § 2, 1-24-05; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4676, § 6, 11-28-16)

• **Sec. 37-38. - Yards.**

CUP25-000001

Except as provided in article VIII, in an R-2A zone the 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 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.
- (Ord. No. 4108, § 2, 8-15-94)

- **Sec. 37-39. - Lot coverage.**

In an R-2A zone buildings shall not cover more than forty (40) percent of the lot.
(Ord. No. 4108, § 2, 8-15-94)

- **Sec. 37-40. - Height of buildings.**

In an R-2A zone, no building shall exceed a height of thirty-five (35) feet.
(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-20.1. - Special conditions.

(6) *Preschool.*

- (a) Approval of a conditional use permit from the planning and zoning commission is required. This requires a public hearing before the planning and zoning commission.
- (b) A business license is required, including a criminal history check for all employees, volunteers and people over twelve (12) years of age living on the premises.
- (c) Compliance with state regulations, Uniform Building Codes and city standards is required.
- (d) The size of the site is shown to be reasonable for the intended use.
- (e) Parking and access to the site meet all applicable ordinances.
- (f) The surrounding property will not otherwise be adversely affected.

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

 SHARE

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

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

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

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

(1) The proposed use (will/will not) result in conditions that will tend to generate nuisances (including but not limited to noise, dust, glare, vibrations, odors and the like) or, if so, that any anticipated nuisances will be appropriately mitigated.

(2) The proposed use (is/is not) a public necessity (and/but) (is/is not) justified by the applicant and deemed to be of benefit to the public.

(3) The character of the proposed use, if developed according to the plan as submitted, (will/will not) be in harmony with the area in which it is to be located.

(4) The proposed use (will/will not) endanger the environment or the public health or safety.

(5) The proposed use (will/will not) be in substantial conformance with the comprehensive plan.

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

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

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

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

(1) A building permit pursuant thereto has been applied for;

(2) Where no building permit is required, the intent of the conditional use has been fulfilled; or

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

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

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

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



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

- (1) Property lines;
- (2) Street address or legal description;
- (3) Zoning of the property;
- (4) Setbacks measured from the property lines;
- (5) All building locations, size of buildings and overhangs;
- (6) Driveways and parking spaces;
- (7) Landscaping;
- (8) The size, location and nature of the requested use;
- (9) The location and size of all existing and proposed signs;
- (10) Location of solid waste disposal and collection facilities;
- (11) Other information, as directed by the community development department, necessary to fully explain and describe the nature of the request.

(b) The general site plan, as approved or modified by the commission, shall be made a part of the applicant's file and all construction and development shall comply with the conditions

of approval set by the commission as well as all applicable city codes. Nothing in this general site plan approval shall be interpreted as allowing the owner or applicant variation from current ordinances that were not specifically addressed at the time of permit approval. (Ord. No. 4108, § 2, 8-15-94)

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

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

Comprehensive Plan:

The subject property is split between two use categories on the Future Land Use Map with the northern portion of the property located in the Neighborhood Commercial and the southern portion of the property located in the Neighborhood Residential.

Neighborhood Commercial area 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. 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 (ADU's). Building should respect the scale and character of the existing built environment regarding size, mass and design.

Relevant Goals and Objectives from the Comprehensive Plan are as follows:

Public Services, Facilities, and Utilities (PSFU)

PSFU.2 : Maximize access to services by prioritizing partnerships.

PSFU.2.2: Engage with the community on programs and facility improvements.

Utilize community groups to reach underserved communities to ensure representative input on future programs and facilities.

Land Use (LU)

LU.1.3.2: Evaluate the zoning code to enable compatible uses in more locations to minimize the distance between residents and needed services.

Community Character (CC)

CC.2.2.1: Evaluate the Land Use Code to ensure institutions located in or near residential neighborhoods can grow in the future while minimizing the impacts to the areas around them.

CC2.3: Evaluate land use regulations in areas where key institutions are situated in residential areas. Involve the institutions and the public in assessing possible conflicts to ensure compatibility of future growth.

CC2.3.1: Engage and connect institutions and their neighbors to ensure institutional growth is possible while addressing neighborhood resident concerns.

Input From Other Departments/Agencies:

From the Fire Department; "Any modifications required for "preschool" use will be handled through the building permit process."

From the Public Works Department, Engineering Division; "Engineering has no objections. As described, the added traffic from the new use will not compound current traffic because the proposed hours of operation do not overlap with existing functions. Even if the traffic did compound the existing traffic, the new traffic trips likely would not have a net increase significant enough to warrant a Traffic Study by the current regulations."

Analysis:

The subject property is home to the Orchards branch of the Boys and Girls Club of the Lewis Clark Valley (VBGC) and was allowed by Conditional Use Permit CU-20-90. The VBGC offers before and after school programming for children 5 to 18 years old and is open at 7 am and closes at 6 pm.

The applicant is proposing to use a portion of the VBGC building for an early childhood education program (preschool) for families who qualify under Head Start eligibility standards. Hours of operation for the preschool would be 8 am to 3:30 pm, Monday through Thursday. The proposed preschool use of the building will generally be when VBGC attendees will be out of the building and attending school.

The proposed preschool use will be an expansion of Lewis Clark Early Childhood Program's existing preschool operations at 1816 18th Ave (main campus for Lewis Clark Early Childhood Program, "Lewiston" site) and 1114 9th Ave (old Lewiston High School building, "Normal Hill" site) and will provide an accessible location for families who do not have the ability to transport their child/children to the Lewiston or Normal Hill sites.

The subject property has a fully fenced playground and green space and an established parking lot with 119 spaces, which is a sufficient number of parking spaces for both the VBGC use and the proposed preschool use.

The subject property is flanked on the southeast and southwest sides by churches (along Burrell Ave) and is flanked by two (2) apartment complexes on the northeast side. Single family dwellings flank the northwest side of the property as well as the northern end of the property across Airway Avenue and the southern end of the property across Burrell Avenue. As stated in the application, class size will be 18 students with 4 instructors during the hours of 8 am to 3:30 pm, which is a relatively small number compared to the 641 people allowed to occupy the space (based on occupant load from the International Building Code). The introduction of 22 people during school hours at the subject property should not generate any measurable increase in noise or activity.

The subject property is located on Burrell Avenue, which is a collector street and is ½ a block from 10th Street, which is an arterial street, and one block from Thain

CUP25-000001

Road, which is also an arterial street. The Neighborhood Commercial designation on the FLUM states that low to mid intensity commercial services intended for the neighboring residents are appropriate along collector streets. The subject property is on both the East Route and the West Route of the Lewiston Transit System and there is a bus stop in front of the VBGC. This location is easily accessible for those in the Orchards utilizing public transport or walking from one of the neighboring apartment complexes.

Relevant Criteria and Standards:

See attached reasoned statement worksheet.

Prepared By:

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Lewiston, ID 83501

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

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

I. APPLICATION NUMBER:

CUP24-3

II. APPLICANT'S NAME AND ADDRESS:

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:

IV. DATE OF PUBLIC HEARING:

V. NAME OF HEARING BODY:

Lewiston Planning and Zoning Commission

VI. NATURE OF SUBJECT CONDITIONAL USE PERMIT APPLICATION:

VII. DECISION:

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

VIII. CONDITIONS OF APPROVAL:

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

XXX.

IX. TERMINATION OF CONDITIONAL USE PERMIT:

Pursuant to Lewiston City Code § 37-160, authorization of a conditional use permit shall be void after twelve (12) months unless:

- (1) A building permit pursuant thereto has been applied for;
- (2) Where no building permit is required, the intent of the conditional use has been fulfilled; or

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR CUPxx-xxxxxx

Page 1 of 3

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

X. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

XI. RELEVANT CRITERIA AND STANDARDS:

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

1. The proposed use **(will/will not)** result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated. Applicable commentary:
2. The proposed use **(is/is not)** a public necessity **(and/but)** **(is/is not)** justified by the applicant and deemed to be of benefit to the public. Applicable commentary:
3. The character of the proposed use, if developed according to the plan as submitted, **(will/will not)** be in harmony with the area in which it is to be located. Applicable commentary:
4. The proposed use **(will/will not)** endanger the environment or the public health or safety. Applicable commentary:
5. The proposed use **(will/will not)** be in substantial conformance with the Comprehensive Plan. Applicable commentary:
6. Pursuant to Idaho Code § 67-6512, the conditional use permit may be granted subject to the ability of political subdivisions, including school districts, to provide services for the proposed use. Applicable commentary:

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

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

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

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

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

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Tanya Brocke, Community Development Specialist

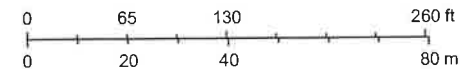


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- Address
- Street

SUBJECT
PROPERTY

1:1,003



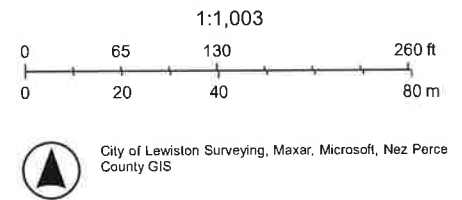
City of Lewiston Surveying, Maxar, Microsoft, Nez Perce County GIS

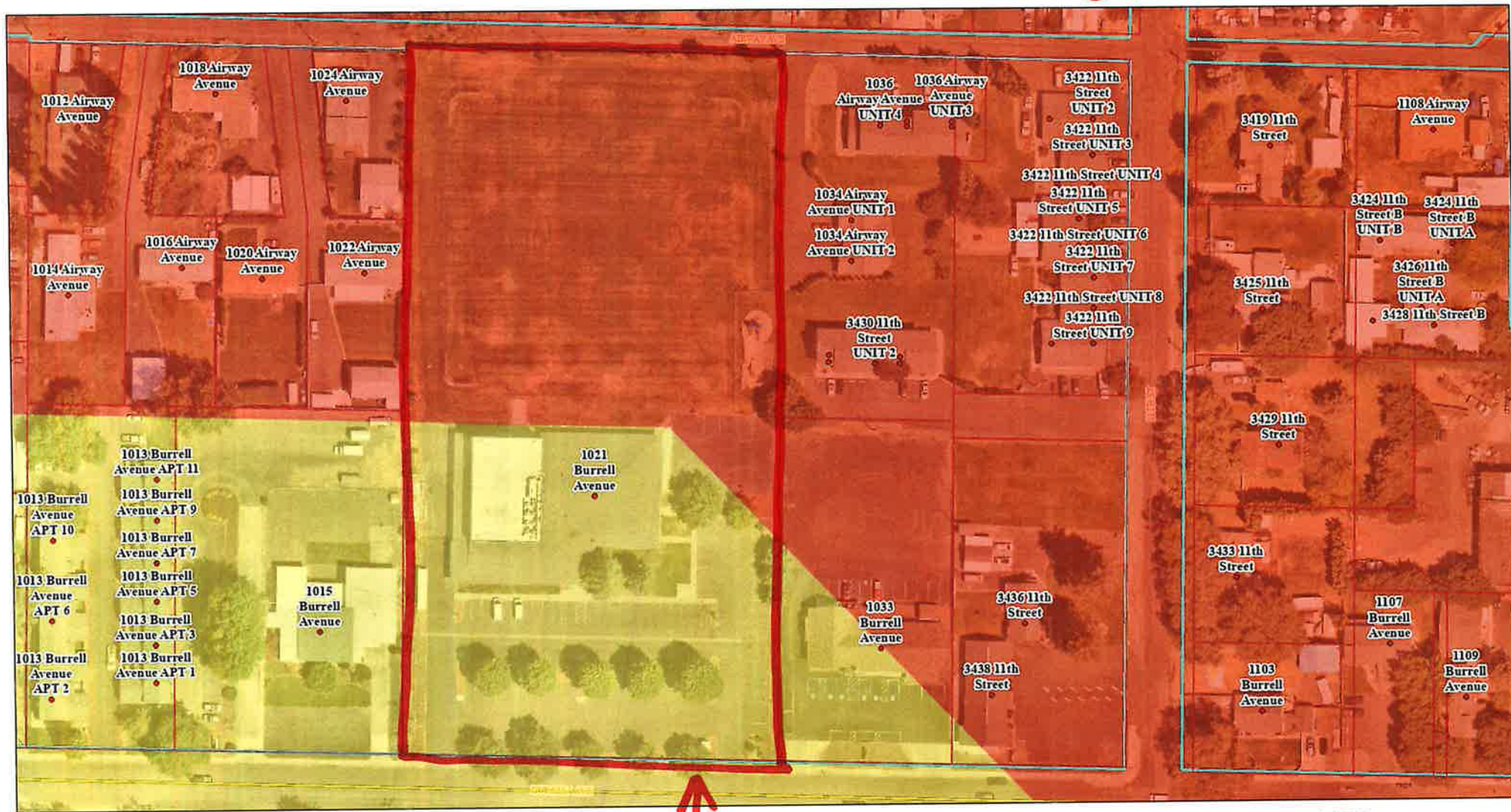


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- Address
- R2A - LOW DENSITY RESIDENTIAL(LIVESTOCK)
- R3 - MEDIUM DENSITY RESIDENTIAL
- C4 - GENERAL COMMERCIAL
- Street

**SUBJECT
PROPERTY**





2/18/2025, 4:55:19 PM

- Address
- cdFutureLandUseDesignation
- Neighborhood Residential
- Other
- Neighborhood Commercial
- Street

SUBJECT
PROPERTY

