



**Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
July 9, 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 JUNE 25, 2025 MEETING MINUTES (ACTION ITEM)

B. REVIEW AND APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR ZNC25-1 A ZONE CHANGE APPLICATION BY STEVE CARLTON (ACTION ITEM):: The applicant requests a zone change from Community Commercial, C3, Zone and Agricultural Transitional, F2, Zone to General Commercial, C4, Zone for the 7.24 acre parcel at 805 Stewart Avenue. - Action Item ()

C. REVIEW AND APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR CONDITIONAL USE PERMIT CUP25-3 BY MATT & SARAH WARREN (ACTION ITEM)::

The applicant requests conditional use permit approval for multifamily residential when located on the ground floor of a structure in the General Commercial, C4, Zone at 1314 G Street. The applicant proposes to convert a former office into a duplex and convert a single car garage into a 3rd dwelling unit.

- Action Item ()

IV. STAFF-COMMISSION COMMUNICATIONS

A. SOLICITING COMMISSIONER ATTENDANCE FOR THE NEXT REGULARLY SCHEDULED MEETING OF JULY 23, 2025 (PUBLIC HEARINGS ON PUD AMENDMENT AND CUP APPLICATION).

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.

June 25, 2025

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

I. CALL TO ORDER

COMMISSIONERS PRESENT: Gabriel Iacoboni, Chair; Emily Wolf, Vice Chair; Shaunita Cable; Kevin Kelly; Cynthia Ball;

COMMISSIONERS EXCUSED: Kevin Kelly; Kathy Branson; Maureen Anderson;

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

II. CITIZENS COMMENTS

None

III. ACTIVE AGENDA

A. APPROVAL OF JUNE 11, 2025 MEETING MINUTES (ACTION ITEM)

Commissioner Wolf and Chair Iacoboni moved and seconded, respectively, approval of the June 11, 2025 meeting minutes with corrections. The motion carried 3-0-1 with Commissioner Ball abstaining.

B. REVIEW AND APPROVAL OF THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP25-2 BY CAMIE HUNTLEY OF SAND CASTLE KIDS (ACTION ITEM):

Commissioner Wolf and Chair Iacoboni moved and seconded, respectively, to approve the Reasoned Statement for CUP25-2 as written. The motion carried 4-0.

C. PUBLIC HEARING AND DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR ZNC25-1 A ZONE CHANGE APPLICATION BY STEVE CARLTON:

Chair Iacoboni explained the public hearing process.

Commissioner Cable recused herself from this public hearing, stating her employer had previously looked at the property for leasing.

Chair Iacoboni opened the public hearing and asked for a staff presentation.

Staff Hollingshead provided a verbal summary of the staff report with maps and photos so the commission could get geographically familiar with the area.

Commissioner Ball asked if the commission had any say about the traffic load and the intended uses.

Staff Hollingshead stated that the intended use is determined by the zone and traffic information is determined at the subdivision or development stage.

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

Steve Carlton, Lewiston Idaho stated they were going to put an engineering firm in the existing building, but cost-wise it made more sense to start over and build new. There has been interest in new development, and it would be a nice addition to the neighborhood.

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

There being no public comment, Chair Iacoboni closed the public hearing.

After discussion of the required conditional use permit relevant criteria and standards, Commissioners Ball and Wolf moved and seconded, respectively, to direct staff to draft a Reasoned Statement approving ZNC25-1. The motion carried 3-0.

D. PUBLIC HEARING AND DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR CONDITIONAL USE PERMIT CUP25-3 BY MATT & SARAH WARREN:

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

Staff Hollingshead provided a verbal summary of the staff report with maps and photos so the commission could get geographically familiar with the area.

Commissioner Cable asked staff if the property would need to go through the permitting process since there was not one pulled at the change of use.

Staff Hollingshead stated yes, they would need to go through the building permit process.

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

Sarah Warren, Lewiston Idaho stated that nothing in the purchasing paperwork showed that it couldn't be used as residential. The current rental was used as residential living for college students. They plan to use this rental as a retirement plan.

Commissioner Ball asked if the intent was to be a rental and continue to be a rental.

Applicant Warren stated yes.

Commissioner Wolf asked if there were renters in the unit when the applicant bought it.

Applicant Warren stated that at the time of purchase, the owner was living in it, but he was able to get renters in it for them before he moved out. They have tried to list it as a commercial property, and there was no movement on it.

Commissioner Cable asked how many renters can occupy.

Applicant Warren stated the 2 units are each 2-bedroom. The building being so old there are upgrades that should be done. The third unit would be a little studio.

Commissioner Ball asked if the applicant had a list of interested renters at this time.

Applicant Warren stated that when it was listed, there were contacts reaching out each day, asking about the rental and looking for housing. They do not charge much for rent, so it is affordable.

Commissioner Wolf asked if there is anything in the rental agreement in regards to nuisance or noise.

Applicant Warren stated that the agreement states they will abide by the city code.

Commissioner Wolf asked if there are current utilities.

Applicant Warren said yes, but not to the garage; those would be added.

There being no further questions for the applicant or any public testimony, Chair Iacoboni closed the Public Hearing.

After discussion of the required conditional use permit relevant criteria and standards, Commissioners Wolf and Ball moved and seconded, respectively, to direct staff to draft a Reasoned Statement approving CUP25-3. The motion carried 4-0.

IV. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for the July 9, 2025 meeting.

All commissioners in attendance should be in attendance for the July 9, 2025 meeting. There are no public hearings scheduled for the July 9, 2025 meeting, but there will be reasoned statements.

V. ADJOURN

There being no further business, Commissioners Ball and Cable moved and seconded, respectively, to adjourn. The motion carried 4-0, and the Planning and Zoning Commission adjourned at approximately 6:36 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2025.

**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:
ZNC25-1

II. APPLICANT'S NAME AND ADDRESS:
Steve Carlton
1103 Bryden Avenue
Lewiston, ID 83501

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
805 Stewart Avenue
Lewiston, ID 83501

IV. DATE OF PUBLIC HEARING:
June 25, 2025

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

VI. NATURE OF APPLICATION:
Rezone subject property from Community Commercial, C-3, Zone and Agricultural Transitional, F-2, Zone to General Commercial, C-4, Zone.

VII. DECISION:
The Lewiston Planning and Zoning Commission recommends **APPROVAL** of ZNC25-1 to the Lewiston City Council.

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None.

IX. RELEVANT CRITERIA AND STANDARDS:

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

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

The subject property is a 7.24 acre parcel that currently contains the former KRLC/Y105 Radio Station and a large portion of vacant land. The subject property is located at the intersection of Stewart Avenue and Thain Grade. The subject property is located on the Comprehensive Plan Future Land Use Map under the designation of Community Commercial. Community Commercial areas provide mid- to high-intensity commercial uses that attract people from across the community. The most intense uses should be located adjacent to major roadways, particularly near intersections of two major roadways. Uses should decrease in intensity when located farther from major roadways and near less intense residential areas. Inactive uses such as storage and warehousing should be located behind more active commercial uses along street.

Primary uses in the Community Commercial designation include retail and restaurant, personal services, office, commercial entertainment, and flex office/warehouse. Supporting uses include open space and recreation, residential attached, residential multi-unit, mixed use, industrial, storage units, transportation and utilities and institutions.

The City staff report provides that Stewart Avenue, directly in front of the subject property is designated a collector street, Stewart turns into a local road as it goes west, and dead ends approximately 250 feet from the western edge of the subject property. The subject property sites at the intersection of Stewart Avenue and Thain Grade, before Thain Grade becomes Thain Road. Thain Grade is designated as an arterial street. The Comprehensive Plan identifies that the Community Commercial areas should be located adjacent to major roadways and should be located on a collector or arterial roadway and the subject property's location next to Thain Grade conforms to those criteria.

Commissioner Wolf stated that based on the testimony provided by City staff and the applicant, as well as the information presented during the staff presentation and detailed in the City's staff report, which is adopted herein by reference, though not attached, she found support for the conclusion that the proposed rezone is consistent with the goals and objectives of the City's Comprehensive Plan. She further noted that these factors collectively support a rezone to the General Commercial, C-4, Zone:

- LU.1. Accommodate future development and redevelopment.

- LU.1.1 Optimize compatibility. Align incompatible zoning and land uses and development regulations with the Future Land Use Map to establish consistent and compatible growth patterns.
- LU.1.3 Balance land uses. Establish land use patterns that accommodate various land uses in proportion to the needs of the community.
- ED.1 Strengthen Lewiston's role as a regional economic hub.

The Commission also considered the applicant's statements that the current Agricultural Transitional, F-2, Zone does not align with the Future Land Use designation of Community Commercial. During the public hearing, no testimony was received in opposition to this assertion by the applicant. Moreover, the Comprehensive Plan identifies Community Commercial areas as appropriate for a mix of commercial and residential uses, with residential uses being located above or behind commercial uses. Based on the testimony received and the guidance provided in the Comprehensive Plan, the Commissioners found that the General Commercial, C-4, Zone would better accommodate the intended land uses than the existing C-3 and F-2 Zones.

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

The City staff report provides that the subject property is a 7.24 acre parcel that contains an old radio station building and farm ground. The parcel is mixed zoned with a block of C-3 Zone surrounding the radio station building and the remainder of the parcel zoned F-2. Commercial uses to the south and southeast are also zoned C-3, and the commercial uses to the east are zoned Planned Unit Development. Permitted uses for the C-4 Zone are similar to those in the C-3 Zone, with a major difference being the C-4 Zone allows for multi-family uses not on the ground floor of a building by right, and multi-family on the ground floor of a building with Conditional Use Permit. The C-4 Zone would provide the opportunity for the applicant to design multi-story buildings with residential uses on the upper floors and commercial uses on the ground floor.

Commissioner Wolf noted that during deliberations that, based on the information presented in the application and at the public hearing, the proposed zoning district appeared to be better suited for the surrounding area than the current F-2 Zone. She referenced the limited number of permitted uses in the F-2 Zone and its apparent inconsistency with the Comprehensive Plan. Commissioner Ball added that one of the permitted uses in the F-2 Zone, Animal Rights, could potentially conflict with adjacent commercial and residential uses due to the associated odors and noise, and could be considered a nuisance. Commissioner Ball also noted that the five-acre minimum lot size required in the F-2 Zone may not represent the most efficient use of land in this area.

Chair Iacoboni referred to the list of uses allowed by right in the C-4 Zone and stated that those uses are more consistent with the commercial character of the surrounding Thain corridor and are better suited than those uses allowed by right in the F-2 Zone.

3. The proposed rezone **does not** present foreseen, immitigable impacts of incompatible uses or development being located in the same vicinity. Applicable commentary:

The Commission received no testimony from the public regarding the rezone application. Commissioner Wolf referenced statements made in the application materials, including the applicant's assertion that "The subject land is better suited for the C4 (General Commercial) zoning district to align with the surrounding development and integrate with the city comprehensive plan. This use provides areas to serve the city and regional needs for commercial goods and services, as well as being compatible with adjacent residential development." Commissioner Wolf also noted the list of permitted uses in the C-4 Zone, as identified in the City's staff report, appeared to reflect the uses already present in the surrounding area along the Thain Road corridor.

Commissioner Ball observed that some of the uses permitted by right in the existing F-2 Zone—such as livestock and farming operations—may be less compatible with adjacent residential and commercial properties. She noted the proposed C-4 Zone would eliminate those uses and instead allow development that more closely matches the character and pattern of surrounding land uses.

4. The effects of the proposed rezone **are not** anticipated to place undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction, including school districts. Applicable commentary:

The Lewiston Fire Department provided the following comment: "Commercial hydrant spacing is 300 feet between hydrants." No other political subdivision notified submitted comment related to the proposed rezone of the subject property.

The Commission did not receive any testimony from political subdivisions other than internal City departments. The Commission considered information provided during the City staff's presentation, which explained that coordination with internal City departments and external service providers, such as the Lewiston Orchards Irrigation District and Lewiston Orchards Sewer District, typically occurs during the subdivision and building permits processes. The Commission commented that any necessary service-related issues would be addressed through those established procedures at the appropriate stages of development.

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

The Commission considered testimony from the applicant, who expressed that he was interested in subdividing the property into smaller commercial lots potentially incorporating multi-family residential uses along the western portion of the subject property. Commissioner Wolf referenced the list of permitted uses in the C-4 Zone, as outlined in the City's staff report, and observed that many of those uses were consistent with ones that already exist along the Thain Road corridor. She noted that multi-family residential development along the western portion of the subject property could serve as a transitional buffer between

commercial development and nearby residential areas, consistent with the guidelines of the City's Comprehensive Plan.

In addition, while the Commissioners did not receive information concerning the size, type, intensity, or density of future development, the Commission reviewed and considered statements included in the applicant's written materials, including a description that development under the C-4 Zone would align with the City's Comprehensive Plan's goal to support economic development by providing land suitable for commercial expansion. The application also noted that the C-4 zoning designation could support development types not permitted outright in the C-3 Zone, such as commercial uses above grade-level, and that infrastructure needs—including access roads, right-of-way improvements, utilities, stormwater, and fire protection—would be addressed by the developer as part of any future development process.

6. The proposed rezone is in conformance with Idaho Code § 67-6537, Use of Surface and Ground Water. Applicable commentary:

No testimony was received on the Use of Surface and Ground Water from political subdivisions that received notice, the public or the applicant. As a result, the Commission determined that there was no credible information to indicate that the proposed rezone would not be in conformance with Idaho Code § 67-6537.

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

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

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

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Office Supervisor

**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:
CUP25-3

II. APPLICANT'S NAME AND ADDRESS:
Matthew Warren and Sarah Martinez-Warren
113 Big Butte Road
Kamiah, ID 83536

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
1314 G Street
Lewiston, ID 83501

IV. DATE OF PUBLIC HEARING:
June 25, 2025

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

VI. NATURE OF SUBJECT CONDITIONAL USE PERMIT APPLICATION:
The applicant requests Conditional Use Permit approval for a multifamily residence when located on the ground floor of a structure in the General Commercial, C-4, Zone at 1314 G Street. The applicant proposes to convert a former office into a duplex and convert a single car garage into a 3rd dwelling unit.

VII. DECISION:
The Lewiston Planning and Zoning Commission **APPROVES CUP25-3.**

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

None.

IX. TERMINATION OF CONDITIONAL USE PERMIT:

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

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

X. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None.

XI. RELEVANT CRITERIA AND STANDARDS:

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

1. The proposed use **will not** result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated. Applicable commentary:

The subject property is located in the General Commercial, C-4, Zone and is in a mixed use neighborhood with both pre-existing residential uses, and commercial uses. The subject property was originally a single family dwelling prior to a remodel and conversion to office space in the 1980's. The subject property was then converted to a duplex without permits, and the applicants purchased the property. The applicant is proposing to add a third dwelling unit by converting the existing single car garage into a studio apartment, so that the subject property will fit into the multifamily on the ground floor definition that is allowed by the Conditional Use Permit.

The subject property is located on G Street which is designated as a collector street and is one property away from the intersection of 13th Street and G Street. 13th Street is also designated as a collector street. The Neighborhood Commercial area calls for residential uses to be located on a collector or arterial roadway. The subject property is also half a block west of the new City bus stop on Lincoln Street at the Lewiston Community Center and is located on the East Route bus route. Being located close to the bus stop and on a bus route provides access to transit for residents who might choose to live at the subject property.

The applicant indicated in the application that traffic to and from the subject property may increase due to the additional dwelling, but otherwise she did not anticipate any additional noise or other nuisances. She has leased the subject property to tenants for the last four years and has not had any significant issues. The applicant also provided testimony that she requires a rental agreement with tenants that has specific clauses addressing noise and follows Lewiston City Code § 24-38 (Noise or excessive or unnecessary sound prohibited).

During deliberations, the Commission considered the information provided during the staff presentation regarding the existing character of the neighborhood, which includes a mix of commercial and small-scale multifamily residential uses. The Commission also took into account that the subject property had operated as a duplex for many years. Based on this context, the Commission discussed that the addition of a third dwelling unit would not significantly alter the existing residential density or conflict with the surrounding land uses. This understanding contributed to the Commission's evaluation of the finding that if approved, the proposed use will not generate conditions that will generate nuisances.

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

The subject property was originally a single family dwelling prior to a remodel and conversion to office space in the 1980's. The subject property was then converted to a duplex without permits, which the applicant only discovered when having service work performed on the heating and colling systems. The applicant is proposing to legalize the duplex and add a third dwelling unit by converting the existing single car garage into a studio apartment, so that the subject property will fit into the multifamily on the ground floor definition that is allowed by with a conditional use permit. The subject property already has a concrete parking area in the front yard from its previous time as an insurance office and can fit four parking spaces across the front of the property. The existing parking configuration does back out onto the street, but the existing condition has been in place for approximately forty years.

The applicant stated in the application that housing options are limited in the downtown area, as are affordable housing options. The proposal to increase the number of authorized rentals on the subject property is in the City's best interest and would allow more housing types for people to rent.

The Commission heard testimony from the applicant stating that she had maintained a waiting list of interested tenants and had a large number of people inquiring about renting the units. The applicant also testified that she tries to keep her rental prices low. Commissioner Wolf commented that an increase in the number of rental units available can also lower rental prices. Commissioner Ball stated that the property being on the Lewiston Transit East Route bus route and located one block away from the City's new transit hub makes the property well suited for tenants who may not have transportation of their own. Chair Iacoboni relied on statements made in the staff report, specifically, "Converting the building back to living quarters would fall in line with the Comprehensive Plan goals LU.2 "Provide housing choices in Lewiston," and objective LU.2.1 "Diversify possible housing options. Ensure that a variety of types, scale and density appropriate housing can be constructed throughout Lewiston, promoting neighborhoods that cater to residents of all incomes, ages, family structures and cultures." The transition to multi-family is also supported by the Economic Development chapter of the Comprehensive Plan, specifically ED.2.2 "Support partners to mitigate barriers to employee retention. Collaborate with appropriate organizations to help retain Lewiston's workforce." Additionally, ED.4.3 "Re-envision underutilized retail spaces. Accommodate a wider range of uses and activities to better

meet changing market demands.” Lastly, Valley Vision has reported to the City that finding housing for employees of recruited businesses is a major challenge and several major employers in Lewiston struggle with having enough housing for employees they are trying to recruit to fill positions. Although the subject property is not a retail space, with the increase of work from home jobs, office space is not in as high of a demand as housing is.

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

The subject property is located in the General Commercial, C-4, Zone and is in a mixed use neighborhood with both pre-existing residential uses, and commercial uses. The subject property is located on G Street which is designated as a collector street and is one property away from the intersection of 13th Street and G Street. 13th Street is also designated as a collector street. The Neighborhood Commercial area calls for residential uses to be located on a collector or arterial roadway.

Prior to the applicant’s purchase of the property, the subject property was used as an insurance office, but then it was converted without permits to a duplex dwelling. The surrounding neighborhood is a mix of uses with a commercial storage building adjacent to the west and single-family dwellings adjacent to the east. The Lewiston Fire Department’s Station No. 1 and Administration Building is across 13th Street to the west. To the north across G Street there are office buildings, a medical clinic, and a retail fire arms store.

The applicant purchased the property as a duplex and only found out that a duplex was not a permitted use when they had service work done on the heating and cooling systems. The applicant is proposing to add a third dwelling unit by converting the existing single car garage into a studio apartment so that the property will fit into the multifamily on the ground floor definition that is allowed by the Lewiston City Code with a conditional use permit.

Commissioner Cable stated that the staff presentation showed the neighborhood is currently a mix of uses with both commercial and residential uses present. The subject property is 0.11 of an acre parcel that was previously used as an office building. Commissioner Wolf stated that there was already a parking area on the property and that G Street had on street parking on the south side adjacent to the subject property. Moreover, the subject property has passed as an unpermitted duplex for many years before the applicant discovered it was not in compliance with Lewiston City Codes. Based on the staff presentation, the testimony provided, and the lack of opposition from the public or other agencies, the Commission concluded that the character of the proposed use is in harmony with the surrounding area. The existing mix of residential and commercial uses, the historical use of the property as a duplex, and the available parking support the finding that the proposed multifamily use would be compatible with the neighborhood and consistent with the existing development pattern.

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

The subject property was originally a single family dwelling prior to a remodel and conversion to office space in the 1980's. The subject property was then converted to a duplex without permits, which the applicant only discovered when having service work performed on the heating and cooling systems. The applicant is proposing to legalize the duplex and add a third dwelling unit by converting the existing single car garage into a studio apartment, so that the subject property will fit into the multifamily on the ground floor definition that is allowed by the Conditional Use Permit. The subject property already has a concrete parking area in the front yard from its previous time as an insurance office and can fit four parking spaces across the front of the property. The existing parking configuration does back out onto the street, but the existing condition has been in place for approximately forty years.

The applicant testified that she has already inquired with City utility services, and to her knowledge, they are all able and willing to provide services to the proposed garage-to-dwelling conversion. The applicants will be required to extend water and sewer services to the garage during the conversion, but that does not appear to be an issue.

The Assistant City Planner provided testimony that if CUP25-3 were approved, the applicant would still have to work with the City's Building Official, the Lewiston Fire Marshall, and others to ensure that the lawful conversion of the office space and garage are compliant with applicable building and fire codes. The Commission did not receive any testimony from the public in opposition to the proposed conversion or from political subdivisions (other than internal City departments) indicating that approval of CUP25-3 would endanger the environment or the public health and safety.

The Commission relied on this lack of testimony in opposition to support that there were no concerns from the public or other political subdivisions that were provided notice regarding public health or safety. This absence of opposition was considered in evaluating whether the proposed use would negatively impact public health or safety. Additionally, the Commission considered the staff presentation, which explained that the proposed conversion of the single-car garage into a third dwelling unit would be subject to building and trade permit requirements. These permits would be reviewed and inspected for compliance with applicable codes prior to occupancy. Based on this information, the Commission found sufficient procedural safeguards in place to address health and safety considerations associated with the proposed use.

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

The subject property is located in the Comprehensive Plan's Future Land Use Map designation of Neighborhood Commercial. Neighborhood Commercial areas provide low-mid intensity commercial services primarily for surrounding residents. More intense and larger scale businesses should be located at intersections of collectors and arterial roadways and should be

less intense. These areas may also provide a transition from more intense commercial or industrial uses to less intense and smaller scale residential areas.

Residential Attached and Residential Multi-Unit housing are both considered supporting uses in this area. Goal, Objectives and Actions from the Comprehensive plan that are applicable to this application are as follows:

- i. LU.1 Accommodate Future Development and Redevelopment
- ii. LU.1.1 Optimize compatibility. Align incompatible zoning and land uses and development regulations with the Future Land Use Map to establish consistent and compatible growth patterns.
- iii. LU.1.3 Balance land uses. Establish land use patterns that accommodates various land uses in proportion to the needs of the community.
- iv. LU.2 Provide housing choices throughout Lewiston
- v. LU.2.1 Diversify possible housing options. Ensure that a variety of types, scale and density appropriate housing can be constructed throughout Lewiston, promoting neighborhoods that cater to residents of all incomes, ages, family structures and cultures.
- vi. LU.2.2 Allow for density by ensuring compatibility. Build additional housing types in a scale appropriate way that fits into existing neighborhoods.
- vii. ED2.2 Support partners to mitigate barriers to employee retention. Collaborate with appropriate organizations to help retain Lewiston's workforce.
- viii. ED.2.3 Improve housing affordability for lower-income households. Housing is a critical element in the attraction and long-term retention of employees and is needed at all levels of income but is mostly in demand at lower price points.
- ix. ED.4.3 Re-envision underutilized retail spaces. Accommodate a wider range of uses and activities to better meet changing market demands.
- x. H.1 Increase housing quality and production.
- xi. H.1.1 Improve quality of and access to affordable housing. Implement replated existing plans and identify solutions for housing access.
- xii. H.1.2 Encourage property owners to make improvements to housing conditions. Incentivize and provide resources for property owners to update and improve aged housing.
- xiii. H.3.2 Maximize efficient housing development. Encourage denser housing types in areas with infrastructure capacity and transit access.

The Commission did not receive any opposition from the public or other political subdivisions regarding the application for CUP25-3. Based on the lack of opposition from the public and other political subdivisions, and the testimony provided during the staff presentation, the Commission found that CUP25-3 is in substantial conformance with the Comprehensive Plan. The Commission relied on the Assistant City Planner's explanation and the information in the staff report, which identified relevant goals, objectives, and actions of the Comprehensive Plan that support the proposed conditional use.

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:

From the Fire Department: "Residential use shall comply with the applicable building and fire codes."

From the Public Works Department, Engineering Division: "Engineering does not object to the CUP request. Remodeling or new construction would follow current City Codes and Standards, which may, depending on the type and magnitude of work, require sidewalks and driveway ramps to be made ADA compliant. Contact Engineering at your convenience to review these requirements."

The Commission received information from the Assistant City Planner that political subdivisions were solicited for comment, and no objections were received regarding the ability to provide services. The Commission relied on the lack of testimony from political subdivisions that the proposed use would not adversely impact the ability to provide services. The Commission also relied on testimony from the applicant that new services for the proposed third unit would be added during the building permit phase.

7. The proposed rezone is in conformance with Idaho Code 67-6537, Use of Surface and Ground Water. Applicable commentary:

No testimony was received regarding the use of surface or ground water from political subdivisions that received notice, the public or the applicant. As a result, the Commission determined that there was no credible information to indicate that the proposed conditional use of the subject property would not be in conformance with Idaho Code § 67-6537.

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

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

NOTICE TO APPLICANT AND AFFECTED PERSONS: An applicant or affected person may file a written request for reconsideration with the City Clerk to request that the Planning and Zoning Commission reconsider its final decision within fourteen (14) calendar days by 5:00 p.m. on the fourteenth (14th) day after the Planning and Zoning Commission has adopted this Reasoned Statement of Relevant Criteria and Standards. The written request for reconsideration shall include, at a minimum, the following information: (i) the name and address of the applicant or affected person requesting reconsideration, (ii) the specific deficiencies in the decision for which reconsideration is sought, and (iii) a description of any procedural injury or substantial harm to real property interest(s) suffered as a result

of the decision, all in accordance with Lewiston City Code § 37-185(b)(1). A form may be obtained from the City Clerk. A request for reconsideration shall be a mandatory exhaustion of an applicant or affected person's administrative remedies prior to the filing of an appeal of the Planning and Zoning Commission's decision to the City Council.

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

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

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Office Supervisor