



**Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
August 27, 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 AUGUST 13, 2025 MEETING MINUTES

B. REVIEW AND APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR ZONE CHANGE APPLICATION ZNC25-2 BY STEVE CARLTON (ACTION ITEM): THE APPLICANT REQUESTS A ZONE CHANGE FROM AGRICULTURAL TRANSITIONAL, F2, ZONE TO GENERAL COMMERCIAL, C4, ZONE FOR THE 4.80 ACRE PARCEL ALSO KNOWN AS RPL355W0084791 LOCATED TO THE WEST OF 805 STEWART AVENUE.

C. PUBLIC HEARING FOR COMPREHENSIVE PLAN AMENDMENT CPA25-1, USE OF SURFACE AND GROUNDWATER (ACTION ITEM): THE COMMISSION WILL CONSIDER AMENDMENTS TO ADD LANGUAGE TO CONSIDER THE EFFECT ON GROUND WATER IN ADOPTION AND AMENDMENT OR REPEAL OF THE COMPREHENSIVE PLAN AND TO REQUIRE THE USE OF SURFACE WATER AS THE PRIMARY IRRIGATION WATER SOURCE, WHERE REASONABLY AVAILABLE, IN LAND USE CHANGES, PURSUANT TO IDAHO CODE 67-6508(R) AND IDAHO CODE 67-6537, RESPECTIVELY, AND MAKE A RECOMMENDATION TO CITY COUNCIL.

D. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP25-5 BY TONY HAVENS (ACTION ITEM): THE APPLICANT REQUESTS CONDITIONAL USE PERMIT APPROVAL FOR ANIMAL RIGHTS IN THE R2A ZONE, ON A .69 ACRE PARCEL LOCATED AT 1520 WARNER AVE. THE APPLICANT IS REQUESTING ANIMAL RIGHTS TO PLACE ONE (1) STEER OR COW OR UP TO FIVE (5) SHEEP ON THE PROPERTY. THE APPLICANT IS ASKING FOR A WAIVER OF STANDARD OF 7,445 SQUARE FEET FROM THE HALF ACRE (21,780 SQUARE FEET) MINIMUM LIVESTOCK AREA. THE APPLICANT HAS A LIVESTOCK AREA OF 14,335 SQUARE FEET. KEEPING OF

LIVESTOCK, SUBJECT TO THE STANDARDS OF SECTIONS 37-195 THROUGH 37-199 OF LEWISTON CITY CODE IS ALLOWED BY CONDITIONAL USE PERMIT IN THE LOW DENSITY RESIDENTIAL, R2A, ZONE.

IV. STAFF-COMMISSION COMMUNICATIONS

A. SOLICITING COMMISSIONER ATTENDANCE FOR THE NEXT REGULARLY SCHEDULED MEETING OF SEPTEMBER 10, 2025 (REASONED STATEMENT).

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.

August 13, 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; Shaunita Cable; Cynthia Ball; Kathy Branson; Maureen Anderson

COMMISSIONERS EXCUSED: Emily Wolf, Vice Chair; 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 JULY 23, 2025 MEETING MINUTES (ACTION ITEM)

Commissioners Branson and Anderson moved and seconded, respectively, approval of the July 23, 2025 meeting minutes as written. The motion carried 5-0.

B. REVIEW AND APPROVAL OF THE WRITTEN DECISION FOR AMENDMENT TO THE CANYON CREST PLANNED UNIT DEVELOPMENT AGREEMENT:

Commissioner Anderson and Chair Iacoboni moved and seconded, respectively, to approve the Written Decision for Amendment to the Canyon Crest Planned Unit Development Agreement. The motion carried 5-0.

C. REVIEW AND APPROVAL OF THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT CUP25-4 BY STEPHANIE BEIDMAN:

Commissioners Ball and Cable moved and seconded, respectively, to approve the Reasoned Statement for CUP25-4 as written. The motion carried 5-0.

D. PUBLIC HEARING AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR ZONE CHANGE APPLICATION ZNC25-2 BY STEVE CARLTON:

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

Staff Plaskon 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 staff if residential is a zoning option.

Staff Plaskon stated that residential can be on the upper floors above the commercial units.

There being no further questions for the staff, Chair Iacoboni asked for the applicant's testimony.

Applicant Steve Carlton, Lewiston Id stated that it was best to rezone the entire lot, especially with the road that would be developed. He does plan on having apartments above the commercial units. He stated the zoning needs to be right before any planning begins, and he has had people interested in this project. There will be a right in the entrance and a right out exit on Thain.

There being no further questions for the applicant, and no public testimony Chair Iacoboni closed the public hearing.

After deliberation and discussion of the relevant criteria and standards, Commissioners Anderson and Branson moved and seconded, respectively, to direct staff to draft the Reasoned Statement approving ZNC25-2. The motion carried 5-0.

IV. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for the August 27, 2025 meeting.

All commissioners in attendance should be in attendance for the August 27, 2025 meeting. Staff Plaskon stated there will be one, possibly two public hearings, and the reasoned statement from tonight's public hearing. Staff also stated that Commissioners Kelly and Branson will not be renewing their term, and currently, they have one seat potentially filled by Zach Battles if the City Council appoints him on August 25, 2025.

V. ADJOURN

There being no further business, Commissioner Ball and Chair Iacoboni moved and seconded, respectively, to adjourn. The motion carried 5-0, and the Planning and Zoning Commission adjourned at approximately 5:55 p.m.

RESPECTFULLY SUBMITTED,

PLANNING AND ZONING COMMISSION MINUTES

August 13, 2025

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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:
ZNC25-2

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

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
Nez Perce County Tax parcel number RPL355W0084791, also known as the 4.83 acres of undeveloped land immediately adjacent on the west side of 805 Stewart Avenue, Lewiston, ID 83501.

IV. DATE OF PUBLIC HEARING:
August 13, 2025

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

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

VII. DECISION:
The Lewiston Planning and Zoning Commission recommends **APPROVAL** of **ZNC25-2** 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 4.83 acre parcel of vacant land. The subject property is located 430 lineal feet from the intersection of Stewart Avenue and Thain Grade to the east. The Comprehensive Plan Future Desired Land Use Designation for the subject property is 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/warehouses. 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 sits 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 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 requirements.

The Planning and Zoning Commission (Commission) discussed how the existing Agricultural Transitional (F-2) Zone is not in conformance with the Community Commercial Designation; however, the proposed General Commercial (C-4) Zone is. The Commission received information from the City Staff Report, which is adopted herein by reference by the Commission, though not attached, that the stated purpose of the F-2 Zone is "To provide a transition zone from agricultural land uses to residential land use within the city limits where centralized water and sewer are not available." Whereas, the stated purpose of the proposed C-4 Zone is "To provide areas to serve the city and regional needs for commercial goods and

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNC25-2

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services. Such areas shall be compatible with adjacent residential development.” The Commission found support with the conclusion that the proposed rezone is consistent with these goals and objectives.

Additionally, the Commission adopted the following Comprehensive Plan Goals and Objectives supporting approval of ZNC25-2 rezoning the subject property to the 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 heard testimony from the applicant that he had intended to include the subject property with ZNC25-1, a separate application to rezone the abutting parcel of property to the C-4 Zone as well. He stated that by rezoning both properties, the proposed rezone allows both commercial and residential uses, which is supported by, and listed in, the Community Commercial Land Use Designation of the Comprehensive Plan. Commissioner Anderson noted that by approving the requested rezone, the applicant will be able to develop the subject property consistent with the Comprehensive Plan and it gives him alternatives on a variety of different land uses.

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 4.83 acre parcel that contains farm ground. Commercial uses to the south and southeast are zoned Community Commercial (C-3) Zone and the commercial uses to the east are zoned as Planned Unit Development. The applicant also applied for a zone change of the adjacent property at 805 Steward Avenue to the C-4 Zone, which was recommended for approval by the Commission at its July 9, 2025 meeting and adopted and approved by the Lewiston City Council at its August 11, 2025 meeting.

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. The Commission noted that the subject property is more appropriately suited for the proposed C-4 Zone rather than the existing F-2 Zone, given its proximity to adjacent commercial zones and the concurrent development planned for the abutting property owned by the applicant. The Commission determined that the proposed C-4 Zone is consistent with the Comprehensive Plan Community Commercial Designation, while the existing F-2 Zone is not. They discussed how their prior findings in the application of ZNC25-1 also supported their decision here, which they incorporated by reference and adopted herein.

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. The City Staff Report and the applicant provided information that the subject property is in an area which contains both commercial and residential land uses, and that adequate public services and infrastructure are in place to serve future development of the subject property. The primary access to the subject property is expected to be at Thain Road, which is an arterial street and a commercial 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. Chair Iacoboni also noted that at this point, since the Commission was only considering rezoning and not development, there were no identified nuisances that they could address at this stage of the process.

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 Engineering Division of the Public Works Department provided the following comment: “Engineering does not object to the zone change.” The Fire Department provided the following comment: “No issues with zone change request. Fire Code issues will be reviewed at time of permit review.”

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/or Lewiston Orchards Sewer District, which 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. In addition, while the Commissioners did not receive specific information concerning the intended 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 applicant indicated that the subject property's future development is intended to be an expansion of the commercial corridor along Thain Road, as indicated by the applicable Community Commercial Land Use Designation of the Comprehensive Plan, and residential uses above those commercial uses, similar to mixed uses found in Coeur d'Alene, Idaho. The Commission noted that the subject property is a great location for mixed-use development, as allowed by the proposed C-4 Zone. Commissioner Anderson highlighted that City departments have not identified any issues and the location is compatible with the applicant's desired development goals for mixed residential and commercial uses.

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

NOTICE OF **CANCELLATION AND RESCHEDULING OF** PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will **not** conduct a public hearing at which you may provide comments/testimony on August 23, 2025 at 5:30 p.m. but, instead, will do so

Wednesday August 27, 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:

CPA25-1, AN AMENDMENT TO ENVISION LEWISTON 2044, THE COMPREHENSIVE PLAN (ACTION ITEM): The Commission will consider amendments to add language to consider the effect on ground water in adoption and amendment or repeal of the comprehensive plan and to require the use of surface water as the primary irrigation water source, where reasonably available, in land use changes, pursuant to Idaho Code 67-6508(r) and Idaho Code 67-6537, respectively.

FOR FURTHER INFORMATION ABOUT THIS PROPOSAL contact Joel Plaskon at the Community Development Department at jplaskon@cityoflewiston.org or (208) 746-1318, ext. 7202.

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 August 12, 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 August 10, 2025.

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RESOLUTION 2025-21

A RESOLUTION AMENDING THE ENVISION LEWISTON 2044 COMPREHENSIVE PLAN TO INCLUDE CHANGES RELATIVE TO SURFACE AND GROUND WATER

WHEREAS, Idaho's Local Land Use Planning Act, Idaho Code Title 67, Chapter 65, requires Idaho cities to carry out planning duties necessary for orderly development and growth;

WHEREAS, the City of Lewiston, with the participation of its residents and all political subdivisions serving the City, prepared the Envision Lewiston 2044 Comprehensive Plan which was adopted through Resolution 2024-18 on July 8, 2024;

WHEREAS, Idaho Code § 67-6508 was recently amended to include a new subsection addressing the domestic use of water in subdivisions and the Domestic Use Exemption, thereby necessitating an amendment to the Envision Lewiston 2044 Comprehensive Plan;

WHEREAS, Idaho Code § 67-6537 was recently amended to require all applicants proposing land use changes to utilize surface water as the primary source for irrigation, where such water is reasonably available;

WHEREAS, on _____, the Lewiston Planning and Zoning Commission held a duly noticed public hearing to consider the amendments to the Envision Lewiston 2044 Comprehensive Plan in accordance with the hearing procedures set forth in Idaho Code § 67-6509;

WHEREAS, the Lewiston Planning and Zoning Commission recommended adoption of said amendments to the comprehensive plan to the City Council on _____;

WHEREAS, on _____, the Lewiston City Council held a duly noticed public hearing to consider adoption of the amendments to the Envision Lewiston 2044 Comprehensive Plan, in accordance with the public hearing procedures set forth in Idaho Code § 67-6509; and

WHEREAS, the City Council finds that it is in the best interest of the City and its residents to adopt the amendments to the Envision Lewiston 2044 Comprehensive Plan to guide the future

development and growth of the City.

**BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF
LEWISTON, IDAHO:**

SECTION 1: That Chapter 9 – Natural Resources and Hazards and Chapter 11 – Implementation are hereby amended to include the changes required by Idaho Code §§ 67-6508(r) and 67-6537, which took effect on July 1, 2025.

SECTION 2: That the amended Envision Lewiston 2044 Comprehensive Plan, attached hereto as Exhibit A and incorporated herein by this reference, is hereby adopted as the official comprehensive plan of the City of Lewiston.

SECTION 3: The amended Envision Lewiston 2044 Comprehensive Plan hereby supersedes and replaces in its entirety the 2024 Comprehensive Plan adopted by the City through Resolution 2024-18.

SECTION 4: This resolution shall become effective upon its passage.

PASSED this _____ day of _____ 2025.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

Tanya M. Brocke, City Clerk

THE RIVERS AND RIVERFRONT

Lewiston's natural environment has contributed greatly to the City. The Snake and Clearwater rivers have provided tremendous economic benefits as industry has flourished in these areas. However, the riverfront location of the Downtown area did come with additional risk of flooding, which was mitigated in the 1970s with an extensive levee system. These levees are critical infrastructure that protects the City and aids in navigability of the river.

VIEW CORRIDORS

Lewiston's dramatic topography provides many scenic views, the most prominent of which is the 2,000-foot Lewiston Hill to the north of the City. Other areas such as the Normal Hill and Country Club neighborhoods enjoy views of the rivers as well.

GROUNDWATER

The Idaho Department of Water Resources (IDWR) monitors groundwater levels and quality throughout Idaho including the Lewiston Plateau. Quality testing is for contaminants such as metals, pesticides, and other characteristics such as pH and common ions. In general Lewiston's groundwater levels and quality are relatively good, however there is known contamination in the Lindsay Creek Nitrate Priority Area and Lewiston Plateau Groundwater Management Area. Most of this contamination is from pesticides, nitrates, and other agricultural chemicals are of interest due to proximity of agricultural practices in the area. Potential contaminants from septic system failures is present given the number and age of septic systems.

Pursuant to Idaho Code Section 67-6508(r), adoption, amendment, or repeal of the Comprehensive Plan shall consider the effect on the source, quantity, and quality of groundwater in the area. Pursuant to Idaho Code Section 67-6537, all applicants proposing land use changes shall be required to use surface water, where reasonably available, as the primary water source for irrigation.

SOILS AND AGRICULTURE

Lewiston's less developed areas, particularly in the AOI, are utilized for agricultural uses. This active farmland primarily accommodates winter wheat, grass, and pasture. Some soils constitute farmlands

of statewide importance. There are some nearby designated public rangelands, but most of these agricultural areas are privately owned and maintained grass and pasture. Less than 1% of Lewiston's labor force is in the agricultural sector. It is expected that many of the agricultural areas in Lewiston's AOI, particularly those in the southeast portion of the City, will transition to residential uses over time.

HAZARDS

Lewiston is in a relatively stable geologic location but has experienced flooding in the past. Today, climate change increases the risk that natural hazards pose. Climate change has caused overall temperatures to rise, and it is predicted that this pattern of warming will continue. While Lewiston enjoys one of Idaho's mildest climates, periods of extreme heat are predicted to be more prevalent in the future. These climactic shifts often result in longer, more extreme shifts in weather patterns such as drought and flooding. With increased temperatures, snow becomes less frequent, and more precipitation comes in the form of rain increasing the risk of flooding. While Lewiston's levees protect from major flooding on the waterfront, more extreme rain events can cause flash flooding and increase the demand on stormwater infrastructure or impact the stability of steep topography. With more extreme climate shifts, the risk of extended droughts is also increased. Such droughts can cause aquifer levels to drop and may require deeper wells to maintain water supplies. Drought also increases wildfire risks. While Lewiston is surrounded primarily by agricultural lands, wildfire can significantly impact air quality for long distances. To reduce the risks posed, reduction in carbon emissions and increasing the resiliency of infrastructure is key.

RENEWABLE ENERGY

Renewable energy helps to reduce the need for high-carbon emission sources and can help improve air quality. While most energy in Lewiston is provided by hydroelectric, there is a potential need for additional diversified renewable energy sources such as wind and solar. These energy sources can often be found in areas of large-scale agricultural production, generally over five acres. Benefits of such uses include increase in native vegetation, wildlife and pollinator habitat, stormwater absorption, and reductions in pollutants compared to agricultural uses. However, the introduction of commercial wind and/or solar power also comes with adverse impact to natural resources

OVERVIEW

This Chapter highlights a set of specific steps to achieve the Plan's goals and objectives outlined for the City and its community partners in Lewiston, Idaho. Recognizing that the implementation of these measures is an ongoing process, City leaders and staff should conduct annual assessments and prioritize strategic items. This flexibility is essential, as the goals and objectives may need to be adjusted over time to address changing demographics, the challenges posed by climate change, the promotion of resiliency, our focus on health, and adapting to evolving economic conditions. These considerations ensure that the Comprehensive Plan remains adaptable and responsive to the dynamic factors that influence the city's future development.

PLAN AMENDMENT AND MANAGEMENT

Throughout the coming decades, Envision Lewiston 2044 should be reviewed and updated to remain relevant to market conditions and development needs. A proactive regular review of this Plan should be conducted in association with the Work Plan described herein below, and amendments should be considered at that time. Amendments outside of the regular review in the Work Plan can be considered on as needed basis at the request of an applicant or the City. Proposed changes to the Comprehensive Plan may be approved if:

1. The proposed changes will help better realize the Plan's community vision.
2. The proposed changes provide additional clarity or direction.
3. The proposed changes are not in conflict with other goals and objectives of the Plan.
4. The proposed changes address changed conditions or issues not previously foreseen.

Pursuant to Idaho Code Section 67-6508(r), adoption, amendment, or repeal of the Comprehensive Plan shall consider the effect on the source, quantity, and quality of groundwater in the area. Pursuant to Idaho Code Section 67-6537, all applicants proposing land use changes shall be required to use surface water, where reasonably available, as the primary water source for irrigation.

Implementation of Envision Lewiston 2044 will occur through pursuit of the Action Plan and related Work Plan, decisions on discretionary land use applications, and ongoing development and redevelopment. Most development and redevelopment projects will be led by the private sector, and the City will be responsible for reviewing all proposals to ensure that they comply with all applicable regulations. In some cases, the City may choose to assist with development plans that have a strategic fit with the comprehensive plan. The Plan will be implemented through the adoption of regulations and ordinances in the Municipal Code, but discretionary review processes, such as annexations and rezonings, include opportunities to achieve compliance with comprehensive plan objectives not yet translated into code.

As part of the development review process, the City should consider the following decision-making criteria for rezoning, zoning, and criteria.

DECISION-MAKING CRITERIA

In evaluating zoning, rezoning, development proposals, capital investments, and requests for financial participation in projects, the City should determine that a project meets most of the following criteria for it to be considered compatible with the Future Land Use Map.

The proposed project should:

1. Help Lewiston achieve the Plan's Vision, Themes, and Goals.
2. Include uses compatible with the Future Land Use Map and land use categories.
3. Enhance and protect natural and built amenities and infrastructure.
4. Demonstrate that the project's travel demand and infrastructure estimates can be accommodated by existing and planned facilities.
5. Demonstrate that the life-cycle costs to the public of constructing, maintaining, and operating infrastructure included in the project will create a positive fiscal impact for the City in the short- and long-term.



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6508. PLANNING DUTIES. It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, review, and update a comprehensive plan, hereafter referred to as the plan. The plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, and desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components as they may apply to land use regulations and actions unless the plan specifies reasons why a particular component is unneeded.

(a) **Property Rights** – An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80, title 67, Idaho Code.

(b) **Population** – A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex, and income.

(c) **School Facilities and Transportation** – An analysis of public school capacity and transportation considerations associated with future development.

(d) **Economic Development** – An analysis of the economic base of the area including employment, industries, economies, jobs, and income levels.

(e) **Land Use** – An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses for the jurisdiction.

(f) **Natural Resources** – An analysis of the uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.

(g) **Hazardous Areas** – An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snowslides and avalanches, and floodplain hazards.

(h) **Public Services, Facilities, and Utilities** – An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal

sites, schools, public safety facilities and related services. The plan may also show locations of civic centers and public buildings.

(i) Transportation – An analysis, prepared in coordination with the local jurisdiction(s) having authority over the public highways and streets, showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, future corridors, viaducts and grade separations. The component may also include port, harbor and other related transportation facilities.

(j) Recreation – An analysis showing a system of recreation areas, including parks, parkways, trailways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.

(k) Special Areas or Sites – An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.

(l) Housing – An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community.

(m) Community Design – An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.

(n) Agriculture – An analysis of the agricultural base of the area including agricultural lands, farming activities, farming-related businesses and the role of agriculture and agricultural uses in the community.

(o) Implementation – An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.

(p) National Interest Electric Transmission Corridors – After notification by the public utilities commission concerning the likelihood of a federally designated national interest electric transmission corridor, prepare an analysis showing the existing location and possible routing of high voltage transmission lines, including national interest electric transmission corridors based upon the United States department of energy's most recent national electric transmission congestion study pursuant to sections 368 and 1221 of the energy policy act of 2005. "High-voltage transmission lines" means lines with a capacity of one hundred fifteen thousand (115,000) volts or more supported by structures of forty (40) feet or more in height.

(q) Public Airport Facilities – An analysis prepared with assistance from the Idaho transportation department division of aeronautics, if requested by the planning and zoning commission, and the manager or person in charge of the local public airport identifying, but not limited to, facility locations, the scope and type of airport operations, existing and

future planned airport development and infrastructure needs, and the economic impact to the community.

(r) When considering amending, repealing, or adopting a plan, the local governing board shall consider the effect the proposed amendment, repeal, or adoption of the plan would have on the source, quantity, and quality of ground water in the area.

Nothing herein shall preclude the consideration of additional planning components or subject matter.

History:

[67-6508, added 1975, ch. 188, sec. 2, p. 515; am. 1992, ch. 269, sec. 2, p. 831; am. 1994, ch. 212, sec. 1, p. 669; am. 1994, ch. 245, sec. 2, p. 765; am. 1995, ch. 181, sec. 4, p. 666; am. 1995, ch. 305, sec. 1, p. 1054; am. 1996, ch. 201, sec. 1, p. 622; am. 2007, ch. 186, sec. 2, p. 543; am. 2011, ch. 89, sec. 2, p. 193; am. 2014, ch. 93, sec. 4, p. 255; am. 2025, ch. 129, sec. 10, p. 669.]

How current is this law?



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6537. USE OF SURFACE AND GROUND WATER. (1) All applicants proposing to make land use changes shall be required to use surface water, where reasonably available, as the primary water source for irrigation. Surface water shall be deemed reasonably available if:

(a) A surface water right is, or reasonably can be made, appurtenant to the land;

(b) The land is entitled to distribution of surface water from an irrigation district, canal company, ditch users association, or other irrigation delivery entity, and the entity's distribution system is capable of delivering the water to the land; or

(c) An irrigation district, canal company, or other irrigation delivery entity has sufficient available surface water rights to apportion or allocate to the land and has a distribution system capable of delivering the water to the land.

(2) Consistent with sections 42-108 and 42-222, Idaho Code, any change in the nature of use of surface water provided by an irrigation delivery entity must be authorized by the entity holding the water right(s) for the available surface water. Nothing in this section shall alter the authority and discretion of irrigation delivery entities to apportion, allocate and distribute surface water, or for municipalities, counties, or water and sewer districts to pass ordinances or regulations to promote the use of surface water for irrigation.

(3) Nothing in this section shall be construed to override or amend any provision of title 42 or 43, Idaho Code, or impair any rights acquired thereunder.

(4) When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area.

History:

[67-6537, added 1989, ch. 421, sec. 3, p. 1033; am. 2005, ch. 338, sec. 1, p. 1056; am. 2025, ch. 129, sec. 11, p. 671.]

How current is this law?

14,335 \$



STAFF USE ONLY

Case Number: CUP25-5Hearing Date: 8.27.2025

Nature of CUP Application: _____

Animal Rights 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: Havens Tony G Date: 8-1-25
Last First M.I.

Address: 2210 Alder Ave.
Street Address

Lewiston ID 83501
City State ZIP Code

Phone: 208 791-1556 Email: Tandnhavens@outlook.com

OWNERSHIP INFORMATION

Property Owner Name: Tony Havens

Phone: 208 791-1556 Email: Tandnhavens@outlook.com

Mailing Address: 2210 Alder Ave.

PROPERTY INFORMATION

Street Address of Subject Property: 1520 Warner Lewiston.

Subdivision Name: _____ Block: _____ Lot: _____

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

Property Zoning: R2A

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: _____

Tony G. Havent

Date: _____

8-1-25

The Property Owner hereby authorizes this application:

Signature of Owner: _____

Tony G. Havent

Date: _____

8-1-25

Application for Conditional Use Permit

1520 Warner Ave

#1. I am requesting this Conditional Use Permit to be able to have a limited number of animals on a pasture area of my property. This area had animals on it in the 1980s but has not since because my father had no interest in doing that so I believe it has "lost" its rights to having animals legally at this time. The property grows vegetation up to 4 feet tall or higher each summer and concerns the neighbors and myself of being a fire hazard. I have had 4-H animals on it for short periods of time to eat it down and the adjoining neighbors greatly appreciate that and have enjoyed the animals. To the east of my property is the Fish and Game's Lewiston Wildlife Habitat Area which makes a nice natural connection to my pasture area.

So, my request is to be able to have a steer or 2-5 sheep on the pasture during parts of the year to keep the vegetation to a minimum, while using proper animal care for odor and noise.

#2. I have a separate hydrant for this pasture area that I would use to clean up and the water troughs. This hydrant can be isolated for repairs, if necessary. There is also an apple and pear tree in this pasture as well as several large trees on the west and east sides for ample shade. The small shed inside the pasture area will be used as a shelter for small animals. The shop adjacent to the pasture has a garage door on the back an may be used for a barn for a large animal.

#3a. As a 4-H leader I do recognize when and how animals can create noise and smells that may irritate neighbors. Any animal that is making noise an unusual amount or at inappropriate times will not remain in this pasture. As far as the smell from manure, that usually occurs from rotten feed that is moldy. That will not occur on this pasture. The quantity of animals will be one steer or five or less sheep, because sheep are usually calmer when more than one are together.

#3b. Eating down the vegetation will keep this lot and the fence lines much cleaner. The two neighbors that boarder the most of the property lines keep and VERY nicely kept yard and are very appreciative of the efforts of improvements I have done the last couple of years. They have lived at these addresses since the 1970s.

#3c. The manure will not be allowed to pile in one area. It will be removed when that happens, most likely to my garden or the compost facility locally. I also will be removing any thistles or other noxious weeds for the health of the animals, as well as the aesthetics of the landscape.

#3e. The property is located in the Neighborhood Residential designation on the Comprehensive Plan Future Land Use Map. Neighborhood Residential is a low density residential place type. The adjacent Idaho Fish & Game property to the east is designated as Open Space and is home to a variety of wildlife. Your property is also located in the R2A zoning district which allows for animal rights with Conditional Use Permit approval and a minimum lot size of 1/2 acre for 1 large animal (such as a horse or cow) or 5 smaller animals (such as sheep, goats, alpacas).

City of Lewiston



July 30, 2025

I'm writing this stating it is O.K. with me if Tony Havens starts putting animals on the back part of his lot. This would help keep the grass level down. In the summer it would lessen the chance of fire. I & I would also give our neighborhood a little more of an out in the country feel. I would like that.

Nancy Longfellow

1516 Warner Ave.

August 1, 2025

To Whom it may concern;

My name is Dan Walker and I own the property at 1519 Linden Avenue in Lewiston which abuts the pasture of the Tony Havens property.

Tony informs me that he is seeking animal rights for that pasture. I am in favor of having animals on that property. The animals are a benefit because they keep the grass down, which eliminates much of the fire hazard. My family also enjoys having farm animals adjacent to our property.

Tony has been a good neighbor, and will manage any livestock well.

I support his request for animal rights on his property.

Respectfully submitted,
Dan Walker
1519 Linden Ave
Lewiston ID 83501
dan9586g@gmail.com
(208) 791-7526

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 August 27, 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 BY TONY HAVENS (ACTION ITEM): The applicant requests Conditional Use Permit approval for animal rights in the R2A zone, on a .69 acre parcel located at 1520 Warner Ave. The applicant is requesting animal rights to place one (1) steer or cow or up to five (5) sheep on the property. The applicant is asking for a waiver of standard of 7,445 square feet from the half acre (21,780 square feet) minimum livestock area. The applicant has a livestock area of 14,335 square feet. Keeping of livestock, subject to the standards of sections 37-195 through 37-199 of Lewiston City Code is allowed by Conditional Use Permit in the Low Density Residential, R2A, Zone.

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 August 26, 2025** by: Emailing dortiz@cityoflewiston.org or mailing to: Dawn Ortiz, Community Development Department, PO Box 617, Lewiston, ID 83501.

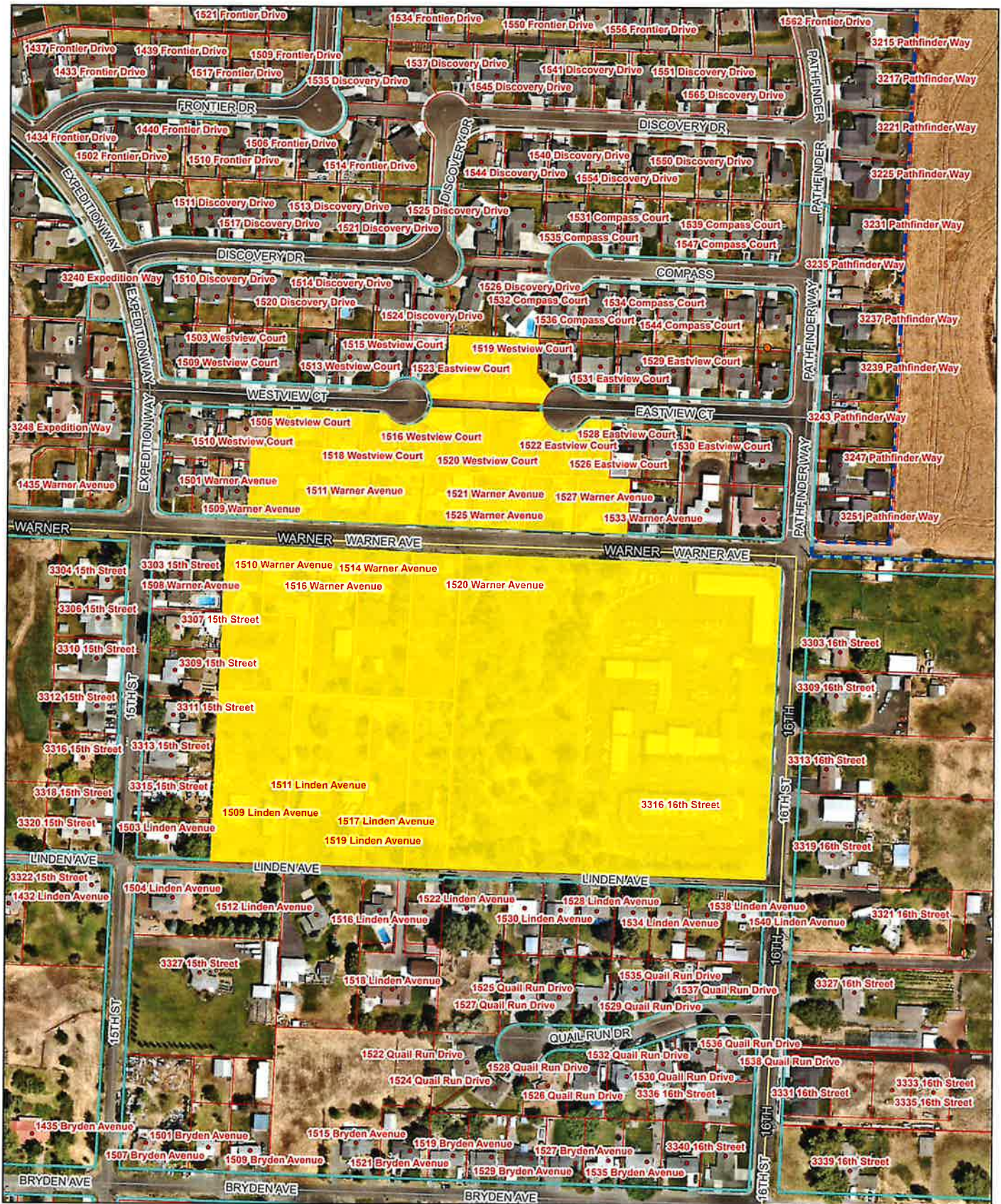
Comments/Testimony for public hearings may also be given in-person at the meeting, during the public hearing.

Public Hearing notice publication date: Sunday August 10, 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	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP	SITE_ADD
FOSTER RANDY A &	FOSTER DORI J	1518 WESTVIEW CT	LEWISTON	ID	83501	1518 WESTVIEW CT
LEWISTON ORCHARDS IRRIGATION		1520 POWERS AVE	LEWISTON	ID	83501	1509 WARNER AVE
GOODMAN LIVING TRUST	GOODMAN TERRY D &	1520 WESTVIEW CT	LEWISTON	ID	83501	1520 WESTVIEW CT
HINES RICK W &	HINES TERRIE LEE	1514 WARNER AVE	LEWISTON	ID	83501	1514 WARNER AVE
GIBBS MITCHELL C &	GIBBS TRACY ALICE	1521 WARNER AVE	LEWISTON	ID	83501	1521 WARNER AVE
WALKER DANIEL R &	WALKER CATHERINE A	1519 LINDEN AVE	LEWISTON	ID	83501	1519 LINDEN AVE
OUSLEY SHANNON &	OUSLEY JONALYN	1527 WARNER AVE	LEWISTON	ID	83501	1527 WARNER AVE
NICKLES JERRY W &	NICKLES DEBIL	1509 LINDEN AVE	LEWISTON	ID	83501	1509 LINDEN AVE
HAVENS ANTHONY G &	HAVENS NICOLE M	1520 WARNER AVE	LEWISTON	ID	83501	1520 WARNER AVE
CULVER JEANNIE E &	CULVER TROY D	2025 BLAINE RD	MOSCOW	ID	83843	1510 WARNER AVE
IDAHO FISH & GAME		P O BOX 36	BOISE	ID	83722	
ROBISON JOHN G &	ROBISON CONNIE G	1516 WESTVIEW CT	LEWISTON	ID	83501	1516 WESTVIEW CT
HEUETT SALLY J		1525 WARNER AVE	LEWISTON	ID	83501	1525 WARNER AVE
FREUDENTHAL DENIS		1511 WARNER AVE	LEWISTON	ID	83501	1511 WARNER AVE
WEST THOMAS O &	WEST TERIA	1517 WARNER AVE	LEWISTON	ID	83501	1517 WARNER AVE
MEEHAN CHERYL J		1510 WESTVIEW CT	LEWISTON	ID	83501	1510 WESTVIEW CT
SHELLEY CHRISTIAN &	SHELLEY ROXANNE	1514 WESTVIEW CT	LEWISTON	ID	83501	1514 WESTVIEW CT
YORK SHANE &	YORK JULIE	1515 WARNER AVE	LEWISTON	ID	83501	1515 WARNER AVE
ROBINSON COLE L		1526 EASTVIEW CT	LEWISTON	ID	83501	1526 EASTVIEW CT
EARHART LEE D JR &	EARHART JANET F	1517 LINDEN AVE	LEWISTON	ID	83501	1517 LINDEN AVE
LYON STEVEN W &	LYON CHRISTINE D	1519 WESTVIEW CT	LEWISTON	ID	83501	1519 WESTVIEW CT
FEHR COLLIN M &	FEHR KATRINA	1524 EASTVIEW CT	LEWISTON	ID	83501	1524 EASTVIEW CT
AMIEL TERRY N &	AMIEL TARIA B	1522 EASTVIEW CT	LEWISTON	ID	83501	1522 EASTVIEW CT
LONGFELLOW NANCY K		1516 WARNER AVE	LEWISTON	ID	83501	1516 WARNER AVE
WARD GREGORY J &	WARD TAMMY R	1511 LINDEN AVE	LEWISTON	ID	83501	1511 LINDEN AVE
HEBERT CHARLENE L		1508 WARNER AVE	LEWISTON	ID	83501	1508 WARNER AVE
HERR COLIN		1523 EASTVIEW CT	LEWISTON	ID	83501	1523 EASTVIEW CT

City of Lewiston



8/1/2025, 2:24:17 PM

- adSites result
- City Limits
- Primary Street
- URBAN COLLECTOR
- Street
- Address
- adSites
- World Imagery
- Low Resolution 15m Imagery

High Resolution 60cm Imagery
 High Resolution 30cm Imagery
 Citations
 60cm Resolution Metadata

1:2,239

0 145 290 580 ft
 0 40 80 160 m



Maxar, Microsoft



PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 8/06/2025

Case File Number: CUP25-5

Applicant:

Tony Havens
2210 Alder Avenue
Lewiston, ID 83501

Property Owner:

Tony Havens
2210 Alder Avenue
Lewiston, ID 83501

Site Location:

1520 Warner Avenue
Lewiston, ID 83501

Request/Proposal: The applicant requests Conditional Use Permit approval for animal rights in the R2A zone, on a .69 acre parcel located at 1520 Warner Ave. The applicant is requesting to place one (1) steer or cow or up to five (5) sheep on the property. The applicant is asking for a waiver of standard of 7,445 square feet from the half acre (21,780 square feet) minimum livestock area. The applicant has a livestock area of approximately 14,335 square feet. Keeping of livestock, subject to the standards of section 37-195 through 37-199 of Lewiston City Code is allowed by Conditional Use Permit in the Low Density Residential, R2A, Zone.

Subject Property and Surrounding Land Uses:

The subject property is a .69 acre parcel containing a single family dwelling. Surrounding properties to the adjacent west and south are also single family dwellings on larger lots. To the adjacent east is the Idaho Fish and Game property and wilderness trail. Properties to the north are single family dwelling in the Northeast Crossing Planned Unit Development.

CUP25-000005

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

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;
- (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.

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)

ARTICLE XV. - ANIMAL RIGHTS, LIVESTOCK AND PASTURE STANDARDS

- Sec. 37-195. - Purpose and applicability.

The purpose of this article is to provide allowances, prohibitions, limitations and standards for the keeping and raising of livestock. It is the intent of this article to encourage the use and protection of lands in more rural areas of the city for animal husbandry purposes, maintain and enhance the city's rural lifestyle, encourage household self-sufficiency, promote the benefits of animal husbandry, minimize potential adverse effects on adjoining property from the keeping and raising of livestock to neighboring residents and to educate youth as to the enjoyment and responsibilities of raising and caring for livestock. The allowances, prohibitions, limitations and standards set forth in this article shall not apply to youth raising or caring for livestock for purposes of participation in a related educational program, such as 4-H (Head, Heart, Hands and Health Club/Program). However, 4-H livestock shall not be kept in any manner so as to cause offense to neighboring residents regarding noise, odor, dust, drainage/run-off, etc. Complaints about such may be subject to the City of Lewiston requiring corrective action to be taken to abate any such offense, up to and including requiring the removal of the livestock from the subject property.

The City of Lewiston recognizes and supports the right to keep and raise livestock in keeping with the requirements established herein by right in the agricultural transitional zone (F-2 zone) and the suburban residential zone (R-1 zone), and with a conditional use permit in the low density residential zone (R-2A zone); however, the keeping of poultry shall also be allowed by right, subject to

the standards specified herein, on any single-family or duplex residential lot, except in the central business district, as defined in [section 37-145](#) of this Code. The City of Lewiston has determined that inconveniences or discomforts with the keeping of livestock shall not be considered a nuisance if operations are consistent with accepted customs and standards and the code sections set forth in this article.

(Ord. No. 4354, § 5, 3-29-04; Ord. No. 4580, § 1, 8-13-12; Ord. No. 4645, § 1, 10-26-15)

- Sec. 37-196. - Definitions.

Any term used but undefined in this article shall be defined as per common definition of the English dictionary.

Animal means livestock, as defined herein.

Animal rights means the ability to keep a specific number and type of livestock or poultry on a piece of property because of it being allowed by the zoning, authorized by a conditional use permit, or as a historic, legally established and continuously maintained nonconforming use.

Cleaning means the removal of manure from stalls or pens, stockpiling of manure, composting of manure, tilling manure into fields or hauling the manure off site.

Corral means an outdoor stall.

Dry lot means an area of property upon which no forage is present for feeding.

Dry lots shall be at least nine hundred (900) square feet with a minimum dimension of ten (10) feet. Dry lots shall not be partitioned into less than nine hundred (900) square foot areas. Dry lots are a place of temporary containment for convalescing animals, animals being worked, or animals given regular exercise on a different location of the property.

Livestock is a generic term and includes all cattle or animals of the bovine species; all horses, mules, burros and donkeys or animals of the equine species; all goats or animals of the caprine species; all swine or animals of the porcine species; all sheep or animals of the ovine species; all poultry; llamas and alpacas. Sucklings, or livestock which are born from animals already on a property and less than three (3) months old, shall not be counted toward the allowable number of livestock on any given property.

Livestock area means pasture, corrals, dry lots, feedlots and other property including buildings and structures, available to and used by the livestock.

Pasture means an area of property whereon forage for the type of livestock being grazed or otherwise confined is sustained over the entire area on a continual basis except for when the pasture is being rotated, plowed or replanted.

Poultry means a gallinaceous (*gallus domesticus*) bird of the phasianidae family, excluding those younger than twelve (12) weeks. Pigeons, quail, partridges, squab, pheasants, doves, grouse, including the male gender thereof, shall also qualify as poultry for purposes of this chapter. Female/hen chickens shall also qualify as poultry; however, male chickens/roosters and any peafowl, guineafowl, turkey or waterfowl shall be excluded from this definition.

Stall means a compartment for one (1) animal in a stable or barn.

(Ord. No. 4354, § 5, 3-29-04; Ord. No. 4580, § 1, 8-13-12; Ord. No. 4581 § 2, 8-13-12; Ord. No. 4587, § 2, 8-27-12)

- Sec. 37-197. - Allowable number of animals.

Maximum allowable numbers of animals shall be as set forth below:

- (1) Horse and cattle. One (1) head for the first one-half ($\frac{1}{2}$) acre of livestock area and one (1) head for each additional one-third ($\frac{1}{3}$) acre of livestock area (not including sucklings).
- (2) Llamas. Two (2) for the first one-half ($\frac{1}{2}$) acre of livestock area and four (4) for each additional acre of livestock area.
- (3) Sheep, goats, alpacas, ostriches and emus. Five (5) for the first one-half ($\frac{1}{2}$) acre of livestock area and ten (10) for each additional acre of livestock area. The keeping of uncastrated male goats is not permitted.
- (4) Poultry. The maximum number of poultry on a lot in the F-2 zone shall be limited to one (1) for each one thousand (1,000) square feet of lot area. The maximum number of poultry on a lot in the R-1 zone shall be limited to one (1) for each one thousand (1,000) square feet of lot area to a maximum of twenty-five (25). The maximum number of poultry on a lot in any other zoning district that allows a single-family residential use or on which a nonconforming single-family dwelling exists, except the central commercial (C-5) Zone, shall be limited to one (1) for each one thousand (1,000) square feet of lot area to a maximum of twelve (12). The keeping of poultry shall not be permitted in the central business district, as defined in [section 37-145](#) of this Code. The number of poultry younger than six (6) months on a property at any given time shall not count against the total number of poultry allowed and shall not exceed two (2) or one-half ($\frac{1}{2}$) the allowable number of poultry older than six (6) months, whichever is greater.

- a. Poultry shall have their wings clipped and be contained on their owner's property and be provided both indoor coops and outdoor run areas which consist of a minimum of three (3) square feet of floor area per bird for the coop and a minimum of nine (9) square feet of outdoor ground area per bird for the run. Required floor area for a coop shall include the ground level and any level above the ground located at least eighteen (18) inches above the ground level and for which there is a resting platform or perch provided and where such platform or perch has at least eighteen (18) inches of overhead clearance and is designed to allow a minimum of twelve (12) inches in width to accommodate the resting or roosting of a bird.
- b. Coops and runs shall not displace or infringe upon any off-street parking or vehicle maneuvering area which may be required by this Code for the primary use of the property.
- c. Coops shall be constructed of rigid, sturdy materials and have walls on minimum of three (3) sides. The use of tarps, nonrigid plastic sheeting, canvas, or similar materials shall not be permitted.
- d. Coops shall be located to the side of or behind an on-site residence, not closer than three (3) feet to any property line and not closer than ten (10) feet to any existing, neighboring residence, including any attached garage and any adjoining deck or patio; any existing, neighboring gazebo, swimming pool or hot tub, unless the adjacent property owner gives written consent otherwise.
- e. Runs shall be enclosed by a six-foot tall minimum fence.
- f. Runs may be located anywhere relative to any on-site residence and may include any unpaved and uncovered part of the owner's yard, but shall not be

closer than ten (10) feet to any existing, neighboring residence, including any attached garage and any adjoining deck or patio; any existing, neighboring gazebo, swimming pool or hot tub, unless the adjacent property owner gives written consent otherwise.

g. Coops and runs shall be constructed and maintained so as to prevent the poultry from escape.

h. Ground surface of run areas shall be dirt, grass, straw, and/or other appropriate surface type conducive to the habits and health of poultry and shall be maintained to prevent intrusion of soil erosion and dust onto neighboring properties.

i. Coops and runs shall be constructed and maintained so as not to allow stormwater or other drainage onto neighboring property, including public rights-of-way and drainage ways.

j. The keeping of chickens shall require the resident owner of the property to sign, date, and submit to the community development department a form prepared by the community development department whereby the resident acknowledges having read the requirements for the keeping of poultry and stating that he/she will comply with said requirements. If the property owner is not a resident of the property, then both the property owner and the resident shall sign and date the form. The form shall be accompanied by a site plan that identifies, in addition to other typical site plan information, the locations of the proposed poultry coop and outdoor run area. The locations of the coop and the outdoor run area shall be shown to meet the distance/separation requirements listed in subsections (4)(d) and (f) of this section.

(5) The keeping of swine, geese or male chickens, i.e., roosters, is prohibited.

(6) The standards for the allowable numbers of livestock as specified above may be exceeded for a three-month period for a suckling when it is slow to mature to market weight and needs to be kept with its mother.

(7) The allowable number of livestock and the related standards contained herein shall also apply where the keeping of livestock is related to a **commercial** agricultural operation, unless otherwise authorized by conditional use permit.

(8) Where more than one (1) type of livestock is kept on a property and the different types of livestock have different required space or area requirements, the amount of area provided shall be equal to or greater than the minimum areas required by this article for the cumulative amount of areas for each type of livestock. Livestock shall be allowed to co-mingle; provided, that maintenance standards are complied with and that it does not result in any nuisance to neighbors.

(Ord. No. 4354, § 5, 3-29-04; Ord. No. 4580, § 1, 8-13-12; Ord. No. 4645, § 2, 10-26-15)

- Sec. 37-198. - Maintenance standards.

(a) *Drainage.* Positive drainage shall be maintained in all livestock and manure storage areas to prevent introduction of moisture into areas with manure. Stormwater runoff from any livestock area shall not be allowed onto any neighboring property, including public rights-of-way and drainage ways.

(b) *Fencing.* Properties with animal rights are to be fenced to keep animals on their owner's property. The type of animals confined shall determine the appropriate fence materials. Fencing shall be maintained by the owner.

(c) *Forage.*

(1) Forage shall be continually present on all areas of property considered to be pasture, unless the pasture is in the process of being replanted.

(2) The person owning the pasture shall be responsible for eliminating noxious weed growth.

(d) *Feed storage.* Storage of feed for poultry shall be such that the feed is protected from rot and does not attract rodents and other vermin for which the feed is not intended.

(e) *Manure clean up.*

(1) Stalls, coops, corrals, runs and structures which hold or shelter livestock shall be cleaned at least twice per week such that they provide a healthy living area for the livestock and do not cause offensive odors or insect nuisance to neighbors.

(2) Corrals shall be cleaned at least twice per week except when weather conditions have saturated the ground. Cleaning shall occur as soon as practical after the ground has dried.

(3) Dry lots shall be cleaned weekly except when weather conditions have saturated the ground. Cleaning shall occur as soon as practical after the ground has dried.

(4) Pastures shall be cleaned once per month, unless manure becomes offensive to a neighbor, in which case pastures shall be cleaned of manure with such frequency as to not be offensive to a neighbor.

(f) *Manure disposal.*

(1) Manure may be hauled off site to an approved facility.

(2) Manure may be composted on site provided the composting area is not located within thirty (30) feet of any property line and manure composting/storage guidelines are being complied with.

(3) Manure may be spread, tilled, and harrowed into pastures. The pasture area shall be a minimum of one-half ($\frac{1}{2}$) acre for each two (2) cows or horses being confined on the property. Manure may not be tilled into the soil within twenty-five (25) feet of a category B drainage, one hundred (100) feet of a municipal well, or in areas known to have high water table.

(g) *Manure storage.*

(1) Stockpiled manure storage areas shall not exceed a footprint of five hundred (500) square feet from March through October and eight hundred (800) square feet from November through February and be no greater than six (6) feet high. Stockpiled manure shall be placed a minimum of thirty (30) feet from any property line.

(2) Stockpiled manure shall not be stored for a period of longer than forty-five (45) days during the months of March through October, and sixty (60) days from November through February, weather permitting.

(h) *Disposal of material.* The materials cleaned from stalls, pasture areas, coops, runs, etc., shall be removed from the property, unless composted or re-used and located on site in such a manner as not to cause any nuisance to neighbors, in terms of odor, drainage, or insect attraction.

(i) *Nuisance*. Animals shall be kept in such a manner as to not constitute a nuisance to neighbors, in terms of noise, odor, animal trespass, attraction of insects, etc.
(Ord. No. 4354, § 5, 3-29-04; Ord. No. 4580, § 1, 8-13-12; Ord. No. 4645, § 3, 10-26-15)

• **Sec. 37-199. - Conditional use permits.**

(a) The keeping of a type of livestock not explicitly governed herein may be permitted by conditional use permit, subject to keeping with the intents, purposes and maintenance standards set forth in this article.

(b) Approval of any conditional use permit application governed by this article shall be presumed to allow the keeping of any/all types of livestock permitted under this article, subject to the limitations and standards herein, unless otherwise specified as a condition of approval of the conditional use permit.

(c) Approval of any conditional use permit application governed by this article shall be presumed to run with the land and carry over from one (1) property owner to the next, unless otherwise specified as a condition of approval of the conditional use permit.

(d) Any change to the type of livestock or any increase in the number of livestock or any change to any other aspect of the keeping of livestock that is a condition of approval of a conditional use permit shall be subject to approval of a new conditional use permit, unless the original permit did not limit numbers and/or types of livestock allowed or any other aspect of the keeping of livestock.

(Ord. No. 4354, § 5, 3-29-04; Ord. No. 4580, § 1, 8-13-12; Ord. No. 4682, § 1, 1-9-17)

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)

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.

 SHARE

(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.

 SHARE

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 located in the Neighborhood Residential Comprehensive Plan's Future Land Use Map designation. 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). Buildings should respect the scale and character of the exiting building environment regarding size, mass, and design.

Goals, Objectives and Actions from the Comprehensive Plan that may be applicable to this application are:

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

NH.2.4 Protect ground water quality and improve storm water quality. Encourage the reduction of pollutants and potential contaminants.

Input From Other Departments/Agencies:

From the Fire Department: "Fire approves."

From the Public Works Department, Engineering Division: "No objections to CUP request."

CUP25-000005

Analysis:

The subject property is a .69 acre parcel that contains a single family dwelling and a detached garage. Approximately half of the existing property is fenced off pasture area. The applicant has a history of having animals on the property under the 4H program and now wishes to permanently keep animals to maintain the weeds/vegetation. The subject property is flanked on the eastern side by the Idaho Fish and Game office and walking trail, which is designated as Open Space on the Comprehensive Plan Future Land Use Map. Properties to the west and south of the subject property contain single family dwellings on larger lots (.50 acre plus). Across Warner Avenue to the north is the Northeast Crossing subdivision with single family dwellings on slightly smaller lots (approximately .25 acres). The associated Northeast Crossing Planned Unit Development does not have animal rights.

While the subject property's overall size is 30,056 square feet, the dedicated pasture area is only 14,335 feet and the applicant is requesting a waiver of standard from the .50 acre or 21,780 square feet of dedicated pasture area required by Lewiston City Code 37-197. This is a reduction in size of approximately 34.2% of the required area. The applicant states that animals have been kept in the existing pasture area without causing problems or nuisances to the neighboring properties. The applicant has also provided letters of support from adjacent neighbors confirming that the animals would provide a benefit by keeping the vegetation down.

The subject property is located in the Neighborhood Residential Comprehensive Plan Future Land Use Designation which is a low density, primarily residential place type. Objective LU.1.3 states that the Commission should "Balance land uses. Establish land use patterns that accommodate various land uses in proportion to the needs of the community." The subject property is a larger parcel, surrounded by similarly sized, larger parcels, with single family dwellings and large pasture or lawn areas. Goal NH.2.4 states Protect ground water quality and improve storm water quality. Encourage the reduction of pollutants and potential contaminants. Utilizing animals, such as sheep or goats, to maintain the vegetation, rather than using herbicides to destroy unwanted vegetation, could be seen as a tool to protect ground water resources such as the Lindsey Creek watershed.

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:

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

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(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:
7. The proposed rezone **(is/is not)** in conformance with Idaho Code 67-6537, Use of Surface and Ground Water. 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:

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUP~~xx-xxxxxx~~

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

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

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

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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUPxx-xxxxxx

Page 3 of 4

Printed: _____

Date of Signature: _____

ATTEST: _____
Tanya Brocke, Community Development Specialist



8/19/2025, 3:12:28 PM

City Limits

Primary Street

URBAN COLLECTOR

Street

Address

adSites

Imagery2025

Red: Band_1

Green: Band_2

Blue: Band_3

World Imagery

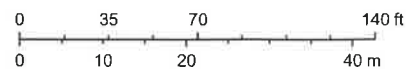
Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

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Maxar, Microsoft, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community



8/19/2025, 3:14:04 PM

City Limits

Primary Street

URBAN COLLECTOR

cd_Zoning

PD - PLANNED UNIT DEVELOPMENT

R2A - LOW DENSITY RESIDENTIAL(LIVESTOCK)

Street

Address

adSites

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Red: Band_1

Green: Band_2

Blue: Band_3

World Imagery

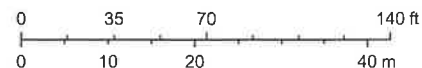
Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

1:563



Maxar, Microsoft, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

COMP PLAN FUTURE LAND USE MAP

City of Lewiston

CUP25-5



8/19/2025, 3:15:43 PM

City Limits

Primary Street

URBAN COLLECTOR

Future Land Use (temp fix)

Neighborhood Residential

Open Space

Street

Address

adSites

Imagery2025

Red: Band_1

Green: Band_2

Blue: Band_3

World Imagery

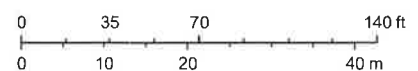
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City of Lewiston