



**Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
September 10, 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 27, 2025 MEETING MINUTES (ACTION ITEM)

B. REVIEW AND APPROVAL OF 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. - Action Item ()

IV. STAFF-COMMISSION COMMUNICATIONS

A. SOLICITING COMMISSIONER ATTENDANCE FOR THE NEXT REGULARLY SCHEDULED MEETING OF SEPTEMBER 24, 2025: - Presentation ()

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 27, 2025

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

I. CALL TO ORDER

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

COMMISSIONERS EXCUSED:

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

II. CITIZENS COMMENTS

None

III. ACTIVE AGENDA

A. APPROVAL OF AUGUST 13, 2025 MEETING MINUTES (ACTION ITEM)

Commissioners Branson and Ball moved and seconded, respectively, approval of the August 13, 2025 meeting minutes as written. The motion carried 6-0-1 with Commissioner Kelly abstaining.

B. REVIEW AND APPROVAL OF THE REASONED STATEMENT FOR ZONE CHANGE APPLICATION ZNC25-2 BY STEVE CARLTON CANYON CREST PLANNED UNIT DEVELOPMENT AGREEMENT:

Commissioners Anderson and Wolf moved and seconded, respectively, to approve the Reasoned Statement for ZNC25-2. The motion carried 6-0-1 with Commissioner Kelly Abstaining.

C. PUBLIC HEARING, COMPREHENSIVE PLAN AMENDMENT CPA25-1, USE OF SURFACE AND GROUNDWATER (ACTION ITEM):

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

Staff Hollingshead provided a verbal summary of the staff report.

Commissioner Kelly asked what is considered surface water, is it a stormwater pond.

Staff Hollingshead stated that surface water would be rainwater, stormwater pond could possibly be considered surface water. Surface water usually comes from a natural source.

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

Barney Metz, L.O.I.D General Manager and representing Idaho Water Users Association, stated that the ground resources is under some form of stress as the population continue to grow. They have had previous developers not use the irrigation lines that are available, and it has caused stress on the domestic sources available. This new state law will help relieve that stress. They are in support of it to be entered into the Comprehensive Plan.

Commissioner Ball asked if there is a zone change or a PUD will a stormwater line then be required to be installed.

Barney Metz stated no, this law states that if they have access to the irrigation line, then the developer or owner is required to tap into it.

Commissioner Branson asked if all existing structures that are not tapped in will be allowed to remain as is or be required to tap in.

Barney Metz stated they would remain as is.

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

After deliberation and discussion, Chair Iacoboni and Commissioner Anderson moved and seconded, respectively, to direct staff to draft the recommendation to City Council approving CPA25-1. The motion carried 7-0.

D. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION BY TONY HAVENS (ACTION ITEM):

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

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

Commissioner Branson asked staff what type of limitations can be applied to the CUP.

Staff Hollingshead stated that City Code states that for the first half acre of livestock area, you could have one horse, or one cow, or one steer. You could have two llamas, five sheep, goats, alpacas, ostriches, or emus. All of those would fall under that category, and the applicant specifically stated that he was most interested in having sheep, like the ones you saw on the property that were currently clearing the vegetation, or perhaps a steer to do the same thing. But unless the Commission chooses to put a further limit with your approval of the waiver of standard from that half-hour acre requirement, any of those animal types would be allowed in those numbers listed in code.

Commissioner Kelly asked to clarify if the waiver is due to the lot size.

Staff Hollingshead stated yes from the dedicated pasture area. The lot in total would be considered large enough, but code specifically says you have to have half acre of dedicated livestock area. The applicant only has 14,335 square feet of dedicated livestock area.

Commissioner Kelly asked if a separate decision is needed to approve animal rights.

Staff Hollingshead stated No, it's a request as part of the request for the animal rights.

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

Applicant Tony Havens from Lewiston, Id stated that he would only like to have a couple of sheep or a steer on the property and would only have the animals on there for short periods just to keep the weeds down and provide fire management.

Staff Tengono asked if the applicant could get the co-owner's signature as per the City Code.

Applicant Havens stated he should be able to, as it is if wife.

Commissioner Kelly asked if the water provided to the livestock area is domestic or irrigation.

Applicant Havens stated that it is irrigation.

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 Wolf and Ball moved and seconded, respectively, to direct staff to draft the Reasoned Statement approving CUP25-5 and waiver with the conditions that the co-owner of the lot provide their signature on the CUP application. The motion carried 7-0.

IV. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for the September 10, 2025 meeting.

All commissioners in attendance should be in attendance for the September 10, 2025 meeting. Staff Hollingshead stated there will not be any public hearings at the next meeting. Zach Battles will be taking Commissioner Branson's seat after 10/11/2025.

Staff Tengono stated that the City has received notice that there have been scam emails being sent out to land use applicants, stating that they are being requested to pay an invoice associated with the approval of their applications. These emails include a mock invoice and instructions on how to wire transfer the funds. The City does not request payment for approval of an application; staff is not in charge of making the decision on approval of a land use application.

V. ADJOURN

There being no further business, Commissioners Branson and Anderson moved and seconded, respectively, to adjourn. The motion carried 7-0, and the Planning and Zoning Commission adjourned at approximately 6:45 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2025.

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

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

I. APPLICATION NUMBER:
CUP25-5

II. APPLICANT'S NAME AND ADDRESS:
Tony and Nicole Havens
2210 Alder Avenue
Lewiston, ID 83501

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
1520 Warner Avenue
Lewiston, ID 83501

IV. DATE OF PUBLIC HEARING:
August 27, 2025

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

VI. NATURE OF SUBJECT CONDITIONAL USE PERMIT APPLICATION:
The applicant requests Conditional Use Permit approval for animal rights in the Low Density, R2A, Zone, on a .69 acre parcel located at 1520 Warner Avenue. 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.

VII. DECISION:
The Lewiston Planning and Zoning Commission **APPROVES CUP25-5 and the associated waiver of standard of 7,445 square feet of livestock area from the required 21,780 square feet..**

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:

Property co-owner Nicole Havens will sign the application.

IX. TERMINATION OF CONDITIONAL USE PERMIT:

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

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

X. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None.

XI. RELEVANT CRITERIA AND STANDARDS:

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

1. The proposed use **will** result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated. Applicable commentary:
The Commission discussed that animals tend to generate nuisances but relied on information provided by the application and the applicants testimony that those nuisances would be properly mitigated. The application stated that the applicant had previously housed animals on the property in a 4H capacity and was educated on the keeping of animals. The application also addressed that any animal that was making an unusual amount of noise or made noise at inappropriate times would be removed from the property. The application also addressed pasture standards, manure removal and watering of the animals. The applicant provided letters of support from two (2) adjacent neighbors stating that they enjoyed having animals on the property and appreciated the use of animals to maintain the vegetation on the property and keep fence lines clean. The Commission also relied on the lack of public testimony against the application for animal rights on the property to support their decision.

2. The proposed use **is not** a public necessity **but is** justified by the applicant and deemed to be of benefit to the public. Applicable commentary:

The Commission agreed that the keeping of animals is not a public necessity but could be deemed a benefit to the immediate neighborhood and neighboring properties. The Commission stated that the reduction of weeds on the property and the associated reduction in fire fuel were items that would benefit the neighborhood in addition to the subject property. Letters of support

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUP25-5

Page 2 of 5

from neighbors also identified the reduction in fire fuel and noxious weeds as benefits of having the animals on the property.

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

The subject property is 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.

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.

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

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.

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

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.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUP25-5

Page 3 of 5

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

6. Pursuant to Idaho Code § 67-6512, the conditional use permit may be granted subject to the ability of political subdivisions, including school districts, to provide services for the proposed use.

Applicable commentary:

From the Fire Department: "Fire approves."

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

A representative from the Lewiston Orchards Irrigation District was present in the audience at the time of the public hearing and did not provide any testimony.

The Commission received information from the Assistant City Planner that political subdivisions were solicited for comment, and no objections were received regarding the ability to provide services. The Commission relied on the lack of testimony from political subdivisions that the proposed use would not adversely impact the ability to provide services.

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

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

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

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

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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR CUP25-5

Page 4 of 5

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Office Supervisor