



Lewiston Planning & Zoning Commission
AMENDED REGULAR MEETING AGENDA
July 12, 2023 - 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. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org.

I. CALL TO ORDER

II. CITIZENS COMMENTS

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

III. APPROVAL OF MINUTES

A. APPROVAL OF MAY 24, 2023 MEETING MINUTES (ACTION ITEM)

IV. PUBLIC HEARINGS AND RELATED ACTION ITEMS

- A. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR LAND USE APPLICATION ZNC23-5 BY JOE & FRANCES MCCANN FAMILY LIMITED PARTNERSHIP (ACTION ITEM):** The applicant proposes that an undeveloped tax parcel RPL355W0059000 (excepting that portion lying east of Gun Club Road), containing approximately 18 acres of land, and generally located west of Gun Club Road and north and south (bisected by Nez Perce Drive) of Nez Perce Drive, be rezoned from Agricultural Transitional, F2, Zone to Regional Commercial, C-6, Zone. - Action Item ()

V. STAFF-COMMISSION COMMUNICATIONS

A. QUERY OF COMMISSIONERS FOR THE JULY 26TH, 2023 MEETING

VI. 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 Community Development Specialist at least forty-eight (48) hours in advance of the meeting at 208-746-1318, ext. 7265.

May 24, 2023

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

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

I. CALL TO ORDER

COMMISSIONERS PRESENT: Michael Busch, Chair; Gabriel Iacoboni, Vice Chair; Kevin Kelly; Kathy Branson; Cynthia Ball; Justin Merwin

COMMISSIONERS EXCUSED: Maureen Anderson;

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Aaron Butler, IT; Jennifer Tengono, Assistant City Attorney;

II. CITIZEN COMMENTS

None

III. APPROVAL OF APRIL 26, 2023 MEETING MINUTES (ACTION ITEM)

Commissioners Kelly and Branson moved and seconded, respectively, approval of the April 26, 2023 meeting minutes. The motion carried 6-0.

IV. UPDATE ON COMPREHENSIVE PLANE REWRITE FROM LOGAN SIMPSON:

Staff from Logan Simpson introduced themselves and provided summary of items they would be covering. Commissioners introduced themselves. Joe with Logan and Simpson provided a verbal presentation on the progress made so far with the Comprehensive Plan rewrite. There was a group discussion on what is working well is not in the current Comprehensive Plan.

V. STAFF-COMMISSION COMMUNICATIONS:

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

There being no new land use applications or pertinent business, the June 12, 2023 meeting will be cancelled.

VI. ADJOURN

There being no further business, Commissioners Merwin and Branson moved and seconded, respectively, to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 6:49 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2023.



PLANNING & ZONING COMMISSION MEETING AGENDA ITEM HISTORY/COMMENTARY

ITEM TITLE PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR LAND USE APPLICATION ZNC23-5 BY JOE & FRANCES MCCANN FAMILY LIMITED PARTNERSHIP (ACTION ITEM)	AGENDA NO. AGENDA DATE: July 12, 2023
ITEM HISTORY (PREVIOUS COUNCIL REVIEWS, ACTION RELATED TO THIS ITEM, OTHER PERTINENT HISTORY)	
ITEM COMMENTARY (BACKGROUND, DISCUSSION, KEY POINTS, RECOMMENDATIONS, ETC.) Please identify any or all impacts this proposed action would have on the City budget and/or personnel resources.	
BUDGET IMPACT	
ACTION PROPOSED	

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will conduct a public hearing at which you may provide testimony on

Wednesday July 12, 2023 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. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org.

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

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

ZONE CHANGE PROPOSAL ZNC23-5 BY JOE & FRANCES MCCANN FAMILY LIMITED PARTNERSHIP: It is proposed that an undeveloped tax parcel RPL 355W0059000 (excepting that portion lying east of Gun Club Road), containing approximately 18 acres of land, and generally located west of Gun Club Road and north and south (bisected by Nez Perce Drive) of Nez Perce Drive, as depicted on the attached map, be rezoned from Agricultural Transitional, F2, Zone to Regional Commercial, C6, Zone.

FOR FURTHER INFORMATION AND TO SUBMIT TESTIMONY, contact the Community Development Department at (208) 746-1318, ext. 7261.

Hearing notice publication date: June 25, 2023.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will conduct a public hearing at which you may provide testimony. This public hearing will be held at a meeting which may have additional public hearings on the agenda.

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

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

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

Notice of this public hearing was mailed on June 26, 2023 and 3 persons were noticed.

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

ZNC23-000005

Properties within 330' Boundary

OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
Central Idaho Land LLC		24676 GARDEN GULCH RD	Culdesac	ID	83524
RKB STILLMAN LLC		1521 29TH ST	LEWISTON	ID	83501
EAT NINETEEN LLC		621 W MALLON AVE STE 509	SPOKANE	WA	99201

City of Lewiston





APPLICATION FOR ZONE CHANGE

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

APPLICANT INFORMATION

Full Name: Joe & Frances McCann Family Limited Partnership Date: June 1, 2023
Last First M.I.

Address: 202 26th Ave Street Address Apartment/Unit #
Lewiston City ID State ZIP Code 83501

Phone: 208-791-6573 Email patmccann@live.com

Property Owner: McCann Family Limited Partnership Phone: 208-791-6573

Property Owner Mailing Address: 202 26th Ave, Lewiston, ID 83501

DESCRIPTION OF PROPERTY

Street Address of Subject Property: No current address on NPC Assessor's website

Subdivision Name: Not Applicable - please see attached

Block: Not Applicable - please see attached Lot: Not Applicable - see attach

OR, if not part of a subdivision, attach a metes and bounds description RPL355W0059000

NATURE OF REQUEST

Change **FROM** Zone District: F2 **TO** Zone District: C6

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

Please provide **WRITTEN** responses to the following questions.

1. What is the Comprehensive Plan Designation of the property and of the adjoining properties? Describe how the requested zoning classification conforms to the adopted Comprehensive Plan map and text.

The current comprehensive plan designation of this property is F2. The adjoining properties are Planned Unit Development (PUD) and Nez Perce County. This parcel seeks to be converted from Agricultural Transitional (F2) to Regional Commercial (C6). It is in close proximity to Nez Perce Drive and Gun Club Road and developing commercial properties in the Nez Perce Terrace area.

The Comprehensive Plan future land use designation is Commercial and a rezone from Agricultural Transitional to Commercial is in conformance with the plan.

2. Describe how the subject land is at least as well suited or is better suited for the proposed zoning district than the existing zoning district.

The property is currently bare land that is not being farmed. Since the parcel is in close proximity to Nez Perce Drive, Gun Club Road, and developing commercial properties, it is well suited to be considered for the Regional Commercial Zone (C6). It has appropriate access being on a corner lot.

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

The proposed rezone from F2 to C6 is compatible with other development in this area because it borders the Nez Perce PUD zone, which fosters commercial development. Nez Perce Drive Extension would be the primary access, which was developed with the intent of commercial properties.

4. Describe how the effects of the proposed rezone are not anticipated to place an undue burden upon delivery of services provided by any political subdivision (i.e. taxing entity) within the planning jurisdiction, including school districts.

Undue burden will not impose upon established taxing entities. Commercial development on this property will ease the transition for traffic flow and distribute greater commercial development in an area already slated for expansion.

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

The size, type, intensity and density of this development will fit within the confines of the zoning code for C6. Nez Perce Drive and all public infrastructure in the Nez Perce PUD were designed and built to city standards to not unduly burden the neighborhood, city public infrastructure or environmental resources.

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

The subject property is not within a designated historic district.

APPLICANT'S CERTIFICATION

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

Signature:

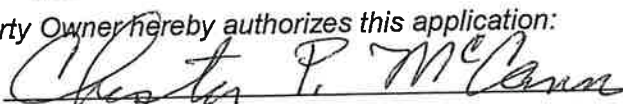


Date:

6/15/23

The Property Owner hereby authorizes this application:

Signature:



Date:

6/15/23

**** INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED ****

QUESTIONS? Contact City Planner Joel Plaskon at 208-746-1318 x 7202

APPLICATION PROCESS

1. The applicant submits the completed application to the Community Development Department requesting the Zone change. The representative of the Department reviews the application for completeness prior to further processing.
ALL MATERIALS INCLUDED IN THE APPLICATION MUST BE PROVIDED AT THIS TIME. INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED.
PLEASE NOTE: By submitting this application to the City of Lewiston, you are entering a quasi-judicial process. As such, you must not discuss the application with any member of the Lewiston Planning and Zoning Commission and/or the Lewiston City Council outside of the public hearing at which this matter will be heard.
2. The Community Development Department sets the public hearing date for the application according to the public hearing schedule. The Planning and Zoning Commission holds public hearings on the second and fourth Wednesday of each month. The Commission will make a recommendation on a zone change application to the City Council, who will also conduct a public hearing on the matter and render the decision. The City Council holds public hearings on the second and fourth Monday of each month. **Completed applications must be submitted at least four weeks prior to the public hearing date.** You will be notified of the hearing date when you submit your application.
3. The Community Development Department notifies all residents within 300 feet of the property for which you are requesting the Zone Change. This notifies them of the nature of your application, the date of the public hearing, and solicits comments from them.
4. The Community Development Department solicits comments from public agencies and City Departments so a recommendation can be made.
5. After all comments have been received, the Community Development Department prepares a staff report and recommendation for the Planning and Zoning Commission. You will receive a copy of this report and recommendation in advance of the meeting.
6. The Planning and Zoning Commission holds a public hearing on the request. The applicant is invited to speak as well as others who wish to provide testimony, whether in support or in opposition, to the request. **IT IS STRONGLY RECOMMENDED THAT YOU BE IN ATTENDANCE AT THIS MEETING.**
7. The Planning and Zoning Commission will make a recommendation to the City Council. This recommendation is forwarded to the City Mayor for submittal to the City Council.
8. The City Council sets a public hearing date, generally several weeks away to allow sufficient time for legal notice. The property owners who received notice for the Planning and Zoning public hearing will again receive notice of the City Council public hearing.
9. The City Council holds a public hearing on the request. If the City Council approves the PUD Amendment request. The City Attorney prepares an ordinance for the Council.
10. At subsequent public meetings, the City Council holds the first, second, and third readings of the Ordinance. Following the third reading and adoption of the Ordinance, the Ordinance is published in the newspaper, after which the PUD Amendment becomes final.

APPLICANT'S CHECKLIST

- ☐ Completed and signed application with supporting documents;
- ☐ Filing fee payable to the City of Lewiston;
- ☐ A correct legal description of the property;
- ☐ A site plan (11" x 17" or 8 ½" x 11") to scale

Introduction

Assessor & Treasurer

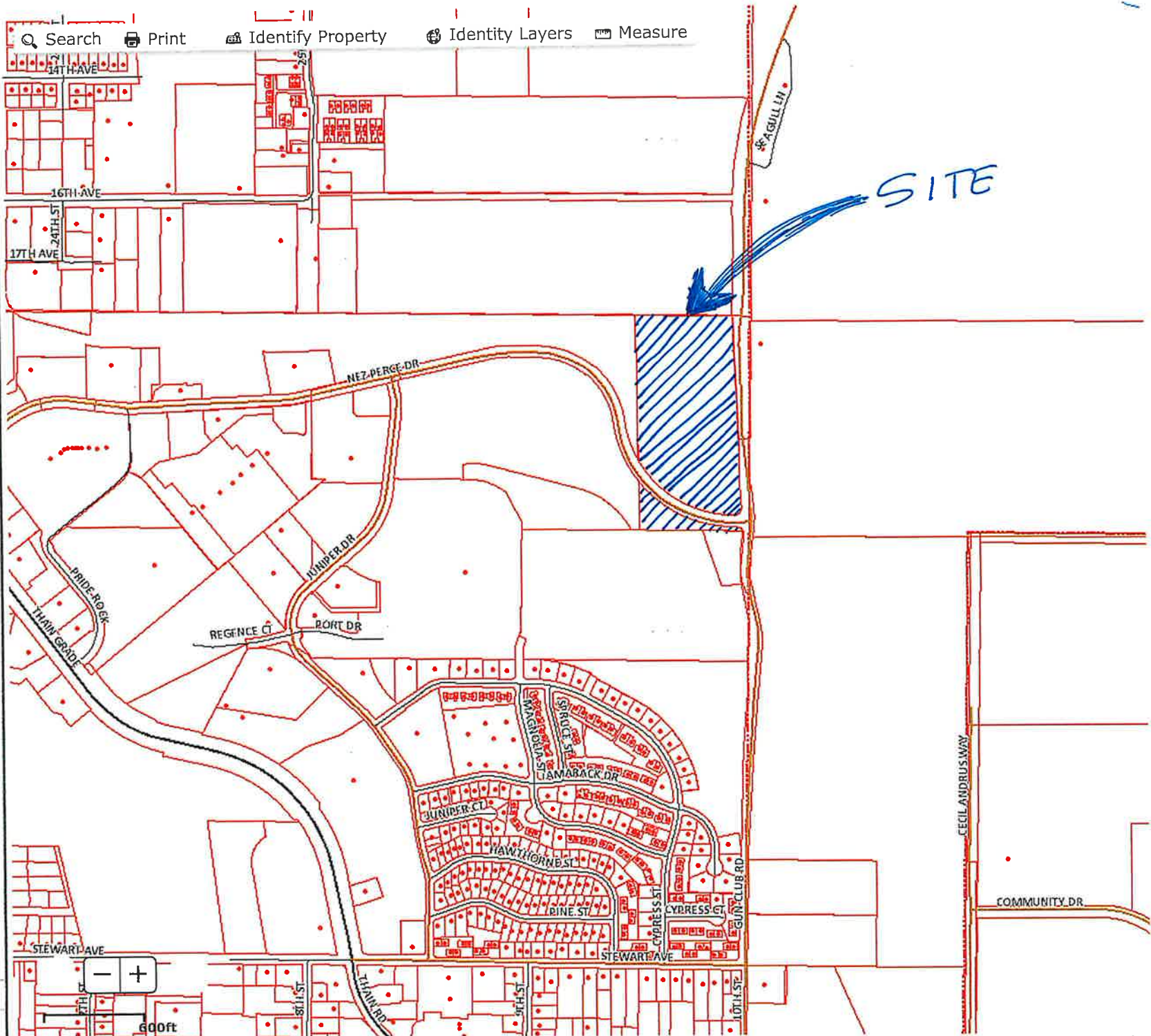
Welcome to the Nez Perce County Property Information web mapping application. This page provides an overview of Nez Perce County property appraisal information. The application does not display all aspects of information that is used to determine values; however, it provides a general overview of that data.

Reports are made to display current and correct information. If there are questions or concerns please call 208-799-1010 or email: [Assessor](#).

Map information is for the current year and 3 years previous. This application does not show status of any tax exemptions. If you have questions please call 208-799-3030 or email: [Treasurer](#).

For information about appraisal categories: [Categories](#)

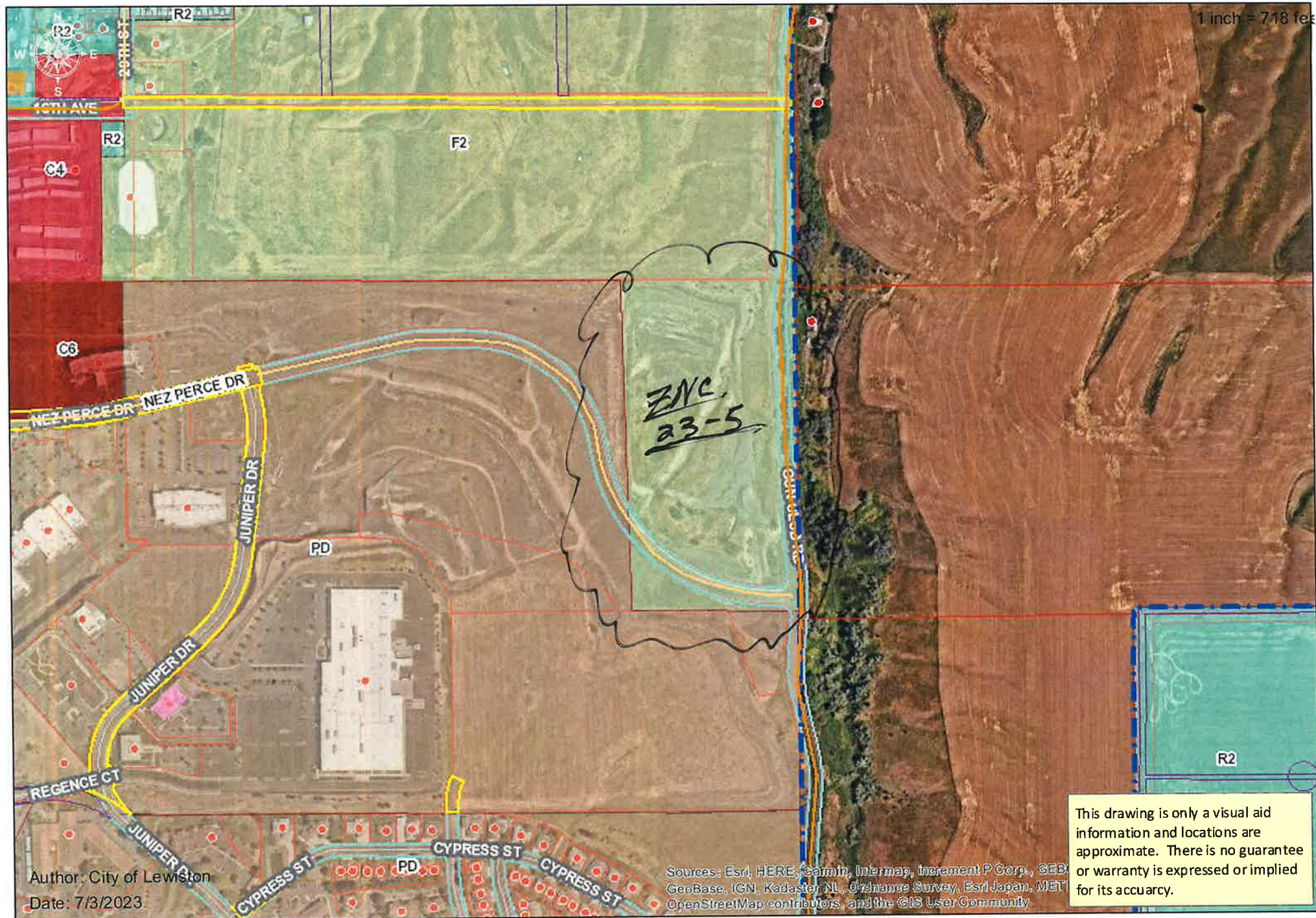
For information on deeds or documents of record please contact the [Nez Perce County Recorder](#)

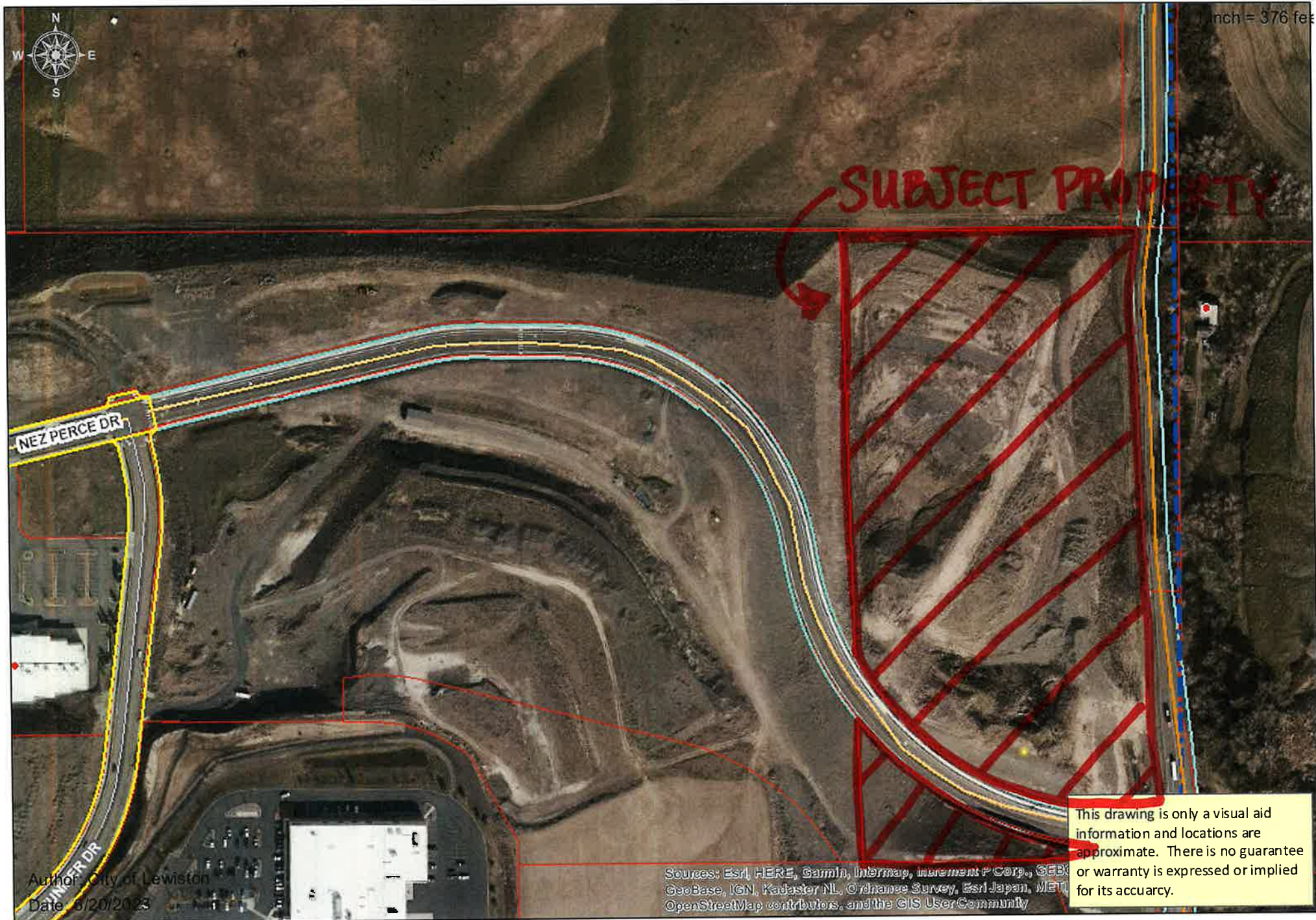


The East Half of the Southeast Quarter of the Southeast Quarter of Section Five (5), Township Thirty-five (35) North, Range Five (5) West, Boise Meridian, City of Lewiston, Nez Perce County, Idaho.

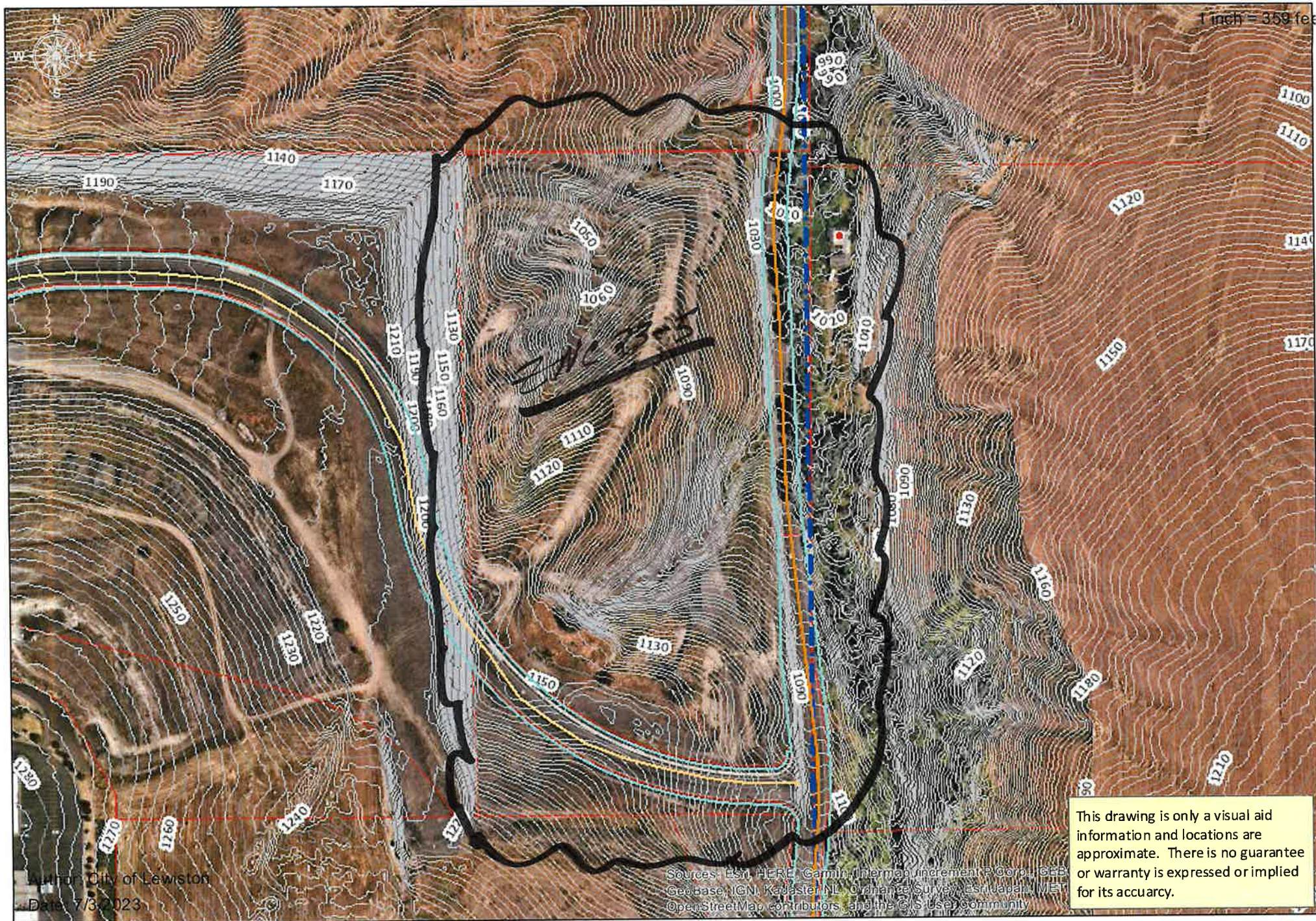
Excepting that portion lying East of Gun Club Road.

City of Lewiston





City of Lewiston





PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 6/27/2023

Case File Number: ZNC23-5

Applicant:

Joe & Frances McCann Family Limited Partnership
202 26th Ave
Lewiston, ID 83501

Property Owner:

Joe & Frances McCann Family Limited Partnership
202 26th Ave
Lewiston, ID 83501

Site Location:

Undeveloped tax parcel RPL355W0059000 (excepting that portion lying east of Gun Club Road), containing approximately 18 acres of land, and generally located west of Gun Club Road and north and south (bisected by Nez Perce Drive) of Nez Perce Drive. Map is attached to this report.

Request/Proposal:

The applicant proposes that an undeveloped tax parcel RPL 355W0059000 (excepting that portion lying east of Gun Club Road), containing approximately 18 acres of land, and generally located west of Gun Club Road and north and south (bisected by Nez Perce Drive) of Nez Perce Drive, be rezoned from Agricultural Transitional, F2, Zone to Regional Commercial, C6, Zone.

Subject Property and Surrounding Land Uses:

The subject property is approximately 18 acres of vacant land that is adjacent to the Nez Perce Terrace Planned Unit Development on the west side and the city/county boundary on the east side. Surrounding properties are Commercial ZNC23-5

uses such as a movie theater, motel and retail stores to the west and Schweitzer Engineering Laboratories to the southwest, vacant land (within city limits) to the north and south, and vacant land (outside of city limits in the county, zoned F1 Farm) to the east across Gun Club Road. The land to the east is primarily vacant, but does have a house on it and that part of it adjacent to Gun Club Road is a creek or drainage. The property is bisected by Nez Perce Drive on the southern end and bordered by Gun Club Road on the east side.

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

ARTICLE XII. AMENDMENTS

Sec. 37-178. Authorization to initiate amendments.

An amendment to the text of this chapter or to the official zoning map may be initiated by the council, by the commission, or by the property owner. A property owner may initiate a request for an amendment by filing an application with the community development department using forms prescribed in Article XIII. The application shall be submitted at least twenty (20) working days prior to the meeting of the planning and zoning commission at which it will be considered. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-179. Public hearing and records of amendments.

The commission shall hold a public hearing on every requested change in zoning district boundaries in accordance with section [37-184](#) of this chapter. Its recommendations on each request zone change shall be transmitted to the city council. No zone change shall be accomplished other than by ordinance duly passed by the city council. The city clerk shall maintain records of amendments to this chapter in a form convenient for use by the public. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-180. Accordance with adopted comprehensive plan.

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

ZNC23-5

documentation to be stamped and signed by professionals deemed qualified by the commission.

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

ARTICLE XIII. ADMINISTRATIVE PROCEDURE

Sec. 37-181. Composition of planning and zoning commission; appointments, term of members; filling of vacancies; removal of members, officers, committees; meetings; rules.

 SHARE

The planning and zoning commission shall consist of seven (7) members. The term of office for members shall be four (4) years. All members shall be residents of the city; provided, however, one (1) member may be a resident of the area of city impact. All members shall be appointed by the mayor and confirmed by majority vote of the council. Those members currently serving on the commission shall have their terms adjusted by the council so that the terms shall be balanced over the succeeding calendar years. Vacancies occurring through expiration of terms or otherwise shall be filled in the same manner as original appointments, said appointments being for the unexpired portion of that term. A member whose term has expired may serve until reappointed or until a qualified replacement has been appointed.

Members may be removed for cause by a majority vote of the council. Members shall be selected without respect to political affiliation and may receive reimbursement for actual expenses as provided in section [2-185](#) of this code. Members shall be deemed to be officials within the meaning of sections [2-156](#) through [2-160](#) of this code.

The commission shall elect its own chairperson and create and fill other offices as it may determine necessary, and may establish and appoint from among its members such subcommittees as it may determine necessary to carry out its responsibilities.

At least one (1) regular meeting shall be held each month for not less than eleven (11) months in each year. A majority of the members of the commission shall be necessary to constitute a quorum at any meeting.

Written rules or bylaws consistent with Title 67, Chapter 65, Idaho Code, and other laws of this state for the transaction of business of the commission, shall be adopted with the approval of the council and a written record of meetings, hearings, resolutions, studies, findings, permits and actions taken shall be maintained. All meetings shall be open to the public pursuant to the Idaho Open Meetings Law, Title 74, Chapter [2](#), Idaho Code. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4502, § 1, 2-11-08; Ord. No. 4716, § 1, 6-11-18)

ZNC23-5

DIVISION 1. - AGRICULTURAL TRANSITIONAL ZONE F-2

Sec. 37-11. - F-2 agricultural transitional zone.

- (a) *Purpose.* 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.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 2, 10-25-99)

Sec. 37-12. - Uses permitted outright.

In an F-2 zone, the following uses and their accessory uses are permitted outright subject to the provisions of article IV:

- (1) Class A manufactured home;
- (2) General farming, except feedlots;
- (3) Single-family dwelling;
- (4) Bed and breakfast facilities, subject to special conditions of section 37-13.1(1) of this Code;
- (5) Family day care, subject to special conditions of section 37-13.1(2) of this Code.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 3, 10-25-99; Ord. No. 4322, § 4, 12-9-02; Ord. No. 4742, § 2B, 8-19-19)

Sec. 37-13. - Conditional uses permitted.

In an F-2 zone, the following uses are permitted when authorized in accordance with the standards and requirements in article IX:

- (1) Class B manufactured home;
- (2) Commercial kennels;
- (3) 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;
- (4) Quarrying when the outer boundary is not located within one thousand (1,000) feet of a dwelling unit other than that of the operator;
- (5) Recreational vehicle park, subject to the provisions of chapter 23, article II of this Code;
- (6) 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;

(7) Group day care, subject to special conditions of section 37-13.1(3) of this Code.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 4, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4698, § 15, 10-30-17; Ord. No. 4742, § 2C, 8-19-19; Ord. No. 4799, § 1, 3-8-21)

Sec. 37-13.1. - Special conditions.

(1) *Bed and breakfast facilities.*

- (a) The use shall not change the residential character of the dwelling, shall be conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term, shall be conducted so that the average neighbor under normal circumstances would not be aware of its existence, and shall not infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes.
- (b) No more than one (1) person, other than members of the family residing on the premises, shall be engaged in the occupation.
- (c) Only resident guests of bed and breakfast facilities shall be served meals.
- (d) Bed and breakfast facilities shall be limited to five (5) or fewer guestrooms.
- (e) One (1) off-street parking space is required for each guestroom of a bed and breakfast facility.
- (f) A bed and breakfast facility shall be allowed one (1) sign, no more than four (4) square feet and non-illuminated.
- (g) The size of the site is shown to be reasonable for the intended use.
- (h) Access to the site meets all applicable ordinances.
- (i) The surrounding properties will not otherwise be adversely affected.

(2) *Family day care, one (1) to six (6) children.*

- (a) A business license is required in accordance with chapter 21 of this Code.
- (b) The size of the site is shown to be reasonable for the intended use.
- (c) Access to the site meets all applicable ordinances.
- (d) The surrounding properties will not otherwise be adversely affected.

(3) *Group day care, seven (7) to twelve (12) children.*

- (a) A business license is required in accordance with chapter 21 of this Code.
- (b) The size of the site is shown to be reasonable for the intended use.
- (c) Access to the site meets all applicable ordinances.
- (d) The surrounding property will not otherwise be adversely affected.

(Ord. No. 4249, § 5, 10-25-99; Ord. No. 4322, § 2, 12-9-02; Ord. No. 4351, § 2, 3-15-04; Ord. No. 4742, § 2D, 8-19-19; Ord. No. 4753, § 2, 12-14-19)

Sec. 37-14. - Lot size.

The lot size shall be as follows:

- (1) For a single-family dwelling, the minimum lot area shall be five (5) acres;
- (2) Minimum lot width shall be two hundred (200) feet.

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-15. - Yards.

Except as provided in article VIII, yards shall be as follows:

- (1) A front yard shall be a minimum of twenty (20) feet;
- (2) A side yard shall be a minimum of ten (10) feet, except that on a corner lot, the side yard shall be a minimum of fifteen (15) feet from the property line or thirty (30) 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. 37-16. - Height of buildings.

Buildings shall not exceed a height of thirty-five (35) feet.

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-17. - Lot coverage.

Buildings shall not cover more than forty (40) percent of the lot.

(Ord. No. 4108, § 2, 8-15-94)

DIVISION 17. - REGIONAL COMMERCIAL ZONE C-6

Sec. 37-80. - Regional commercial zone C-6.

Purpose. To encourage the establishment of areas for varied types of commercial uses and to meet the needs of the regional market area. Such uses shall be readily accessible from streets designated as principal or minor arterials as shown in the Lewiston Comprehensive Transportation Plan.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 40, 10-25-99)

Sec. 37-81. - Uses permitted outright.

In a C-6 zone, the following uses and their accessory uses are permitted outright subject to the provisions of article IV:

- (1) Auto, boat, manufactured home, recreational vehicle sales and service;
- (2) Eating and drinking establishments;
- (3) Financial institutions;
- (4) Hotel/motel;
- (5) Car wash, subject to the special conditions of section 37-60.1(1) of this Code;
- (6) Commercial entertainment facility, subject to the special conditions of section 37-69.1(3) of this Code;
- (7) Day care center, subject to the special conditions of section 37-20.1(5) of this Code;
- (8) Mini-storage, subject to the special conditions of section 37-69.1(1) of this Code;
- (9) Personal services;
- (10) Preschool, subject to the special conditions of section 37-20.1(6) of this Code;
- (11) Professional and business offices;
- (12) Public or governmental offices or semi-public uses which uses are similar to other uses permitted outright in this zone;
- (13) Residential uses legally established as of December 31, 2004;
- (14) Retail sales and services;
- (15) Service station, subject to the special conditions of section 37-60.1(2) of this Code;
- (16) Small animal hospital, clinic or kennel, subject to the special conditions of section 37-69.1(2) of this Code;
- (17) Repealed by Ord. No. 4742.
- (18) Repealed by Ord. No. 4742.

(19) Repealed by Ord. No. 4753.

(20) Recreational vehicle park, subject to the standards of chapter 23 of this Code;

(21) Church.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 41, 10-25-99; Ord. No. 4322, § 4, 12-9-02; Ord. No. 4346, § 2, 11-17-03; Ord. No. 4390, § 6, 2-14-05; Ord. No. 4398, § 14, 1-9-06; Ord. No. 4531, § 8, 7-13-09; Ord. No. 4742, § 2R, 8-19-19; Ord. No. 4753, § 9, 12-14-19)

Sec. 37-82. - Conditional uses permitted.

In a C-6 zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of articles IV and IX:

- (1) Public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;
- (2) Semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency;
- (3) Other limited arterial commercial uses which are not permitted outright but which are consistent with the purpose of the C-6 Zone, and are not detrimental to any of the outright permitted uses or other existing conditional uses;
- (4) Homeless shelter, subject to the standards of section 37-125 of this Code;
- (5) Bridge housing shelter, subject to the standards of section 37-125 of this Code;
- (6) Transitional housing village, subject to the provisions of chapter 42 of this Code.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 42, 10-25-99; Ord. No. 4346, § 2, 11-17-03; Ord. No. 4689, § 5, 4-24-17; Ord. No. 4753, § 10, 12-14-19; Ord. No. 4799, § 16, 3-8-21; Ord. No. 4838, § 3, 12-13-21; Ord. No. 4841, § 14, 11-14-22)

Sec. 37-83. - Development standards.

In a C-6 zone, the following development standards shall apply and be in force:

- (1) *Maximum height for buildings.* None except forty-five (45) feet when a building on a lot abuts a residential zone.
- (2) *Maximum lot coverage.* None.
- (3) *Minimum lot size.* None.
- (4)

Minimum front yard. When fronting on an urban arterial street as defined by the general street plan of the city, the minimum front yard shall be a minimum of forty (40) feet if the adjoining right-of-way is less than eighty (80) feet wide and a minimum of twenty (20) feet if the adjoining right-of-way is eighty (80) or more feet wide. When fronting on other streets shall be a minimum of twenty (20) feet measured from the front of the property line or forty-five (45) feet from the center line of the street, whichever is greater.

(5) **Minimum side yard.** None except fifteen (15) feet when a property abuts a residential zone.

(6) **Minimum rear yard.** None except fifteen (15) feet when a property abuts a residential zone.

(7) **Signs.** Signs shall be subject to the restrictions enumerated in the sign ordinance of the city.

(8) **Off-street parking.** Off-street parking shall be subject to the requirements enumerated in article VII.

(9) **Minimum screening.** Side or rear yards abutting residential zones shall be screened by means of a sight-obscuring fence or approved landscaping materials. Such screening shall be installed prior to the issuance of a certificate of occupancy.

(10) **Sidewalks.** Portland cement concrete sidewalks shall be required in all commercial zones. See section 32-45(c) of this Code.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4531, § 9, 7-13-09)

Comprehensive Plan:

The subject property is located in Neighborhood Number 3, East Lewiston and has a future land use designation of Commercial. Relevant statements from the Comprehensive Plan include the following:

CHAPTER 1. A VISION FOR LEWISTON IN 2020

Fourth, we respect the environment in which we live, protecting our air and water quality and the lands more suited for wildlife than for urban development. We will site new business and industry in those areas where they will have the least impact on our quality of life.

Sixth, we are a compact urban community, preventing sprawl and efficiently using our land resources and infrastructure, understanding that the random spread of a community wastes valuable resources while adding little to the tax base. Development will be occurring next to already developed areas, rather than in a random, leapfrog pattern and will be developed to city standards.

Neighborhood Number Three – East Lewiston

e. Vacant Lands There remain substantial tracts of vacant land in this neighborhood. Following are descriptions of the larger tracts of land:

South of 18th Avenue is land owned by the heirs of Joseph McCann. After rising fairly steeply from 18th Avenue, the land becomes relatively flat and could be developed with reasonable ease. The transportation plan shows an extension of 16th Avenue traversing this land; Nez Perce Drive is under phased construction with this goal in mind.

Chapter 10, Transportation.

Nez Perce Drive has been developed since the 1999 Comprehensive Plan and is classified as a collector street. The 2020 Transportation Plan identified a "future connections beyond planning horizon" in the further extension of Nez Perce Drive from the intersection of Gun Club Road east to Lindsay Creek Road. Nez Perce Drive does have sidewalk and a bike lane. The East Route of the transit system does travel along a section of Nez Perce Drive until it intersects with Juniper Drive and there is a bus stop along Nez Perce Drive.

Gun Club Road is classified as a minor arterial street.

Input From Other Departments/Agencies:

The Fire Department had no comments on the application.

The Engineering Division of the Public Works Department commented, "Engineering has no objections to zone change."

ZNC23-5

Analysis:

The subject property is currently vacant, bare land that is not being farmed. It is bisected by Nez Perce Drive with a majority of the property on the north side of the road and a small triangle on the south side of the road. The property abuts the Nez Perce Terrace Planned Unit Development (PUD) which has a development master plan of a mix of both commercial and residential uses. The subject property is adjacent to the portion of the Nez Perce Terrace PUD that is designated for local commercial development (copy of the local commercial purpose and uses permitted is attached to this report). West of the Nez Perce Terrace PUD (beginning approximately at the Hampton Inn) is zoned Regional Commercial, C6, Zone, the same as the requested zone in the application.

The Comprehensive Plan map has a future land use designation of Commercial for the subject property and a rezone from Agricultural Transitional, F2, Zone to Regional Commercial, C-6, Zone would be in conformance with the plan.

The permitted uses in the Regional Commercial, C-6, Zone are similar in intensity and density to those listed in the Nez Perce Terrace PUD and are complimentary to the existing businesses along Nez Perce Drive. While the intensity of the allowed uses in the Agricultural Transitional, F2, Zone may be less than those in the Regional Commercial, C-6, Zone, the types of uses that are allowed could be considered less compatible to the uses allowed in the Nez Perce Terrace PUD Local Commercial designation. F2 zone uses could also be considered less compatible with the High Density Residential area that is south of the Local Commercial area in the Nez Perce Terrace PUD.

Commercial development of the subject property is unlikely to result in any negative impact to the residents in the home across Gun Club Road because the east side of Gun Club Road is too steep to allow access to Gun Club Road, and the subject property is at least 30 feet higher in elevation than said home. There are also tall, dense trees between the home and Gun Club Road. It is expected that residents of the home will not be able to see any of the commercial development on the subject property.

Relevant Criteria and Standards:

See attached worksheet.

Prepared By:

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Lewiston, ID 83501

ZNC23-5

Nez Perce Terrace PUD

LC - LOCAL COMMERCIAL → Zoning of land to west
of ZNC 23-5

PURPOSE

The purpose of the Local Commercial (LC) is to permit the establishment of commercial business along a major street while minimizing their impacts on nearby residential uses. This classification is intended to provide for the location and grouping of compatible uses having similar operation as they involve enterprises which depend primarily on the transient motor vehicle-based trade. By concentration of such uses, this PUD intends to increase public convenience when utilizing such services and to allow such activities to render the maximum service.

DEVELOPMENT STANDARDS

In a LC the lot size shall be as follows:

- Maximum lot size: None.
- Minimum distance between driveway access along Nez Perce Drive shall be three hundred (300) feet.

USES PERMITTED OUTRIGHT

In the Nez Perce Terrace PUD LC the following uses and their accessory uses are permitted outright subject to all other requirements of the City of Lewiston ordinances:

- Retail enterprises dispensing food or commodities including on-premise sales, sales requiring delivery of goods, and drive-up facilities such as shopping centers and malls, grocery stores, gasoline service stations, sales or rental lots for automobiles, mobile homes, trailers, boats and heavy duty equipment.
- Convenience food stores.
- Financial institutions.
- Retail sales and service.
- Small animal hospital or clinic.
- Mail boxes, postal service.
- Small animal hospital, clinic or kennel.
- Medical or dental clinic.
- Car wash.
- Eating, drinking, entertainment, dancing and recreation establishments, including restaurants, bars, theaters, video arcades, dance halls and physical fitness center.
- Public off-street parking facilities, whether publicly or privately owned or operated.
- Hotels and motels.
- Laundries, Laundromats and dry cleaning services.
- Recreational vehicle parks.

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

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

I. **APPLICATION NUMBER:**

II. **APPLICANT'S NAME AND ADDRESS:**

III. **IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:**

IV. **DATE OF PUBLIC HEARING:**

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

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

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

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

IX. RELEVANT CRITERIA AND STANDARDS:

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

1. The proposed rezone (**is/is not**) in general conformance with the Lewiston Comprehensive Plan. Applicable commentary:
2. The subject property (**is/is not**) at least as well suited or is better suited for the proposed zoning district than the existing zoning district. Applicable commentary:
3. The proposed rezone (**does/does not**) present foreseen, immitigable impacts of incompatible uses or development being located in the same vicinity. Applicable commentary:
4. The effects of the proposed rezone (**are/are not**) anticipated to place undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction, including school districts. Applicable commentary:
5. The size, type, intensity, and density of development expected to occur on the subject property as a result of this rezoning (**is/is not**) suitable for the area and (**will/will not**) unduly burden the neighborhood, public infrastructure, or environmental resources. Applicable commentary:

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

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

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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNCxx-xxxxxx

Page 2 of 3

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

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Tanya Brocke, Community Development Specialist