



**Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
August 23, 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 Facebook page or the City's website at cityoflewiston.org

III. APPROVAL OF MINUTES

A. APPROVAL OF JULY 26, 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 CONDITIONAL USE PERMIT APPLICATION CUP23-3 BY TOBE FINCH OF HAPPY DAY CORPORATION TO INSTALL A BILLBOARD AT 1840 19TH AVENUE (ACTION ITEM)**: The applicant requests conditional use permit approval, for a digital billboard in the Regional Commercial, C6, Zone and the Billboard, BB, Overlay Zone. The proposed billboard location is on the south side of the Lewiston Center Mall and on the east side of 17th Street, across from the Regence Blue Shield Campus. Billboards are allowed by Conditional Use Permit in the Billboard Overlay Zone per Lewiston City Code Chapter 30, Sign Code. - Action Item ()

V. PRELIMINARY PLAT

- A. PRELIMINARY PLAT - SOUTHERN HILLS ADDITION #1 (ACTION ITEM):** The Southern Hills Addition #1 preliminary plat proposes to plat approximately 2.77 acres of undeveloped property located along the east side of 6th Street, north of Stewart Avenue, into 6 lots. - Action Item

VI. ZONE CODE AMENDMENT

- A. INITIATION OF ZONING CODE AMENDMENT ZA-01-23 TO AMEND PROVISIONS REGARDING PUBLIC HEARINGS, FINAL DECISIONS, AND APPEALS (ACTION ITEM):** - Action Item ()
- B. INITIATION OF ZONING CODE AMENDMENT ZA-02-23 TO DELETE SECTION 37-159.1 (ACTION ITEM):** - Action Item ()

VII. STAFF-COMMISSION COMMUNICATIONS

- A. QUERY OF COMMISSIONERS FOR THE SEPTEMBER 13, 2023 MEETING**

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

July 26, 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; Kathy Branson; Maureen Anderson; Cynthia Ball; Justin Merwin

COMMISSIONERS EXCUSED: Kevin Kelly;

STAFF MEMBERS PRESENT: Joel Plaskon, City Planner; Dawn Ortiz, Community Development Specialist; Aaron Butler, IT; Jennifer Tengono, Assistant City Attorney

II. CITIZEN COMMENTS

None

III. APPROVAL OF JULY 12, 2023 MEETING MINUTES (ACTION ITEM)

Commissioner Branson and Anderson moved and seconded, respectively, approval of the July 12, 2023 meeting minutes. The motion carried 6-0.

IV. APPROVAL OF REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR LAND USE APPLICATION ZNC23-000005 BY JOE & FRANCES MCCANN FAMILY LIMITED PARTNERSHIP (ACTION ITEM):

Vice Chairperson Iacoboni and Commissioner Merwin moved and seconded, respectively, the approval of reasoned statement for ZNC23-000005. Motion passed 6-0.

V. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for August 9, 2023 meeting.

Due to no land use application submitted August 9th, 2023 meeting will be canceled.

Staff Plaskon stated Comprehensive Plan rewrite is still moving along and has asked Logan Simpson to present in front of the City Council in August. Steering Committee will hopefully be able to have a booth at the local food truck event coming up in August and September.

VI. ADJOURN

There being no further business, Commissioners Ball and Branson moved and seconded, respectively, to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 5:37 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 CONDITIONAL USE PERMIT APPLICATION CUP23-3 BY TOBE FINCH OF HAPPY DAY CORPORATION TO INSTALL A BILLBOARD AT 1840 19TH AVENUE (ACTION ITEM)	AGENDA NO. AGENDA DATE: August 23, 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							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; height: 20px;"></td><td style="width: 50%; height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> </table>							
ACTION PROPOSED							



CUP23-3

STAFF USE ONLY

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: Finch, Tobe (Happy Day Corporation) Date: 7/18/2023
Last First M.I.

Address: 703 Main St.
Street Address Apartment/Unit #
Lewiston, Id. 83501
City State ZIP Code

Phone: 208-790-1082 Email: tobe@happydayrestaurants.com

OWNERSHIP INFORMATION

Property Owner Name: TAFinch Investments LLC

Phone: 208-790-1082 Email: tobe@happydayrestaurants.com

Mailing Address: 703 Main St., Lewiston, Id. 83501

8-85910

PROPERTY INFORMATION

Street Address of Subject Property: 1840 19th Ave.

Subdivision Name: _____ Block: _____ Lot: _____

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

Property Zoning: C6 / Billboard Zone

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;

CUP: BILLBOARD ON 5TH STREET

APPLICANT: Tobe Finch, Happy Day Corporation

RESPONSE TO "NATURE OF YOUR REQUEST"

1. Requesting Conditional Use Permit to locate a billboard in the designated billboard overlay zone per Ordinance Sec. 37-114.
2. Avista has been contacted and proposed an underground service with a new transformer.
3. As follows:
 - a. The proposed use will not generate nuisances.
 - b. The billboard will be a benefit to the public providing information for Happy Day Restaurants and other information pertinent to the Lewis-Clark Valley.
 - c. Proposing a billboard along a traffic corridor in an area the city has designated appropriate for billboards.
 - d. The billboard will have a low impact on the environment. It will not endanger public health or safety.
 - e. The proposed location is within the boundaries the city has designated as a billboard overlay zone.

- ☒ 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: Tobe Finch

Date: 7/24/2023

The Property Owner hereby authorizes this application:

Signature of Owner: Tobe Finch

Date: 7/24/2023

40' TALL



25' BOTTOM EDGE ABOVE GRADE

15' H x 25' W = 375 SF
(MAX ALLOWED PER CITY = 378 SF)



40' TALL

15' H x 25' W = 375 SF
(MAX ALLOWED PER CITY = 378 SF)



SURVEY TO VERIFY LOCATION OF
PUBLIC RIGHT-OF-WAY. SIGN
CANNOT ENCROACH INTO R.O.W.



- PROPERTY LINE DIMENSIONS:
1. S 24. 57' 54" W 232.47' FEET, THENCE
2. N 65. 02' 06" W 140.00' THENCE
3. N 54. 57' 55" E 112.41' THENCE
4. S 54. 57' 55" E 112.41' THENCE
5. S 85. 48' 17" W 549.90' TO THE EASTERLY
RIGHT OF WAY LINE OF 17TH STREET,
AND THE BEGINNING OF A NON-TANGENT
CURVE HAVING A CHORD BEARING
RADIUS OF 1005.00', THE INITIAL RADIAL OF
WHICH BEARS S 88. 43' 04" W, THENCE
ALONG SAID RIGHT-OF-WAY CURVE,
6. NORTH 24. 57' 54" HINDOCH A CENTRAL ANGLE
OF 112.41', TO THE EASTERLY RIGHT OF WAY
BEARS SOUTH 47. 21' 00" W, THENCE
7. S 47. 21' 00" W 140.00' THENCE
LEAVING SAID EASTERLY LINE OF 17TH (15TH
STREET) 112.41' E 232.47' THENCE
8. N 65. 02' 06" W 140.00' THENCE
9. N 54. 57' 55" E 112.41' THENCE
10. N 54. 57' 55" E 78.93' THENCE
11. S 72. 00' 30" E 1419.04', TO THE TRUE POINT
OF BEGINNING.



SITE PLAN

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PRELIMINARY ONLY - NOT FOR CONSTRUCTION

SHEET NO.

→

DRAWN BY: MR
CHECKED BY: MR
DATE: 7/8/2023
JOB NO: 23-06-33
REVISION DATE:



CLEVER FOX
ARCHITECTURE

☎ (509) 552-3463

0201 1st Street, Studio B, Lewiston, ID 83501

**PROPOSED 5th STREET BILLBOARD
HAPPY DAY CORPORATION**

1840 19th Street Lewiston Idaho

CONDITIONAL USE APPLICATION DRAWINGS

1. 8 25 54' W 430.0' FEET, THENCE
2. N 65 02' 54" W 100.0', THENCE
3. N 24 51' 55" E 13.14, THENCE
4. N 24 51' 55" E 13.14, THENCE
5. 85 48' 27" W 54.83, TO THE EASTERLY
RIGHT OF WAY LINE OF 17TH STREET,
AND THE BEGINNING OF A NON-TANTNEY
RIDGE (DOWNSLOPE TO THE EAST, HAVING
A RISE OF 1.00' PER 100' FEET) OF
WHICH BEARS S 88 43' 04" W OF
ALONG SMD RIGHT-OF-WAY CURVE,
6. NORTHLY 20.00' THROUGH A GENERAL ANGLE
OF 100.00' TO THE POINT OF BEGINNING
BEARING SOUTH BY 27 00' W, THENCE
7. LEAVING SOUTH EASTERLY LINE OF 17TH STREET
STREET
8. 17 57' E 644.63' THENCE
9. N 25 15' 58" E 185.62' THENCE
10. S 88 54' 00" E 78.35' THENCE
11. TO N 24 51' 55" E 44.83, THENCE
12. S 72 00' 30" E 141.04, TO THE TRUE POINT
OF BEGINNING.



CLEVER FOX
ARCHITECTURE

1840 19th Street Lewiston Idaho

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 AUGUST 23, 2023 at 5:30 P.M.
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 Youtube 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) 746-1318 ext 7265 and leaving a message.

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

CONDITIONAL USE PERMIT APPLICATION CUP23-3 BY TOBE FINCH OF HAPPY DAY CORPORATION TO INSTALL A BILLBOARD AT 1840 19th AVENUE: The applicant requests conditional use permit approval, for a digital billboard in the Regional Commercial, C6, Zone and the Billboard, BB, Overlay Zone. The proposed billboard location is on the south side of the Lewiston Center Mall and on the east side of 17th Street, across from the Regence Blue Shield Campus. Billboards are allowed by Conditional Use Permit in the Billboard Overlay Zone per Lewiston City Code Section 37-114 and subject to the standards contained in Lewiston City Code Chapter 30, Sign Code.

Any person (or persons) 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 8/02/23 and 15 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.

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 August 23, 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 Youtube page or the City's website at cityoflewiston.org.

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

Hearing notice publication date: Sunday August 6, 2023.

OWNER1	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP	SITE_ADD
HOUSTON PROFESSIONAL PLAZA LLC	1630 23RD AVE STE 101	LEWISTON	ID	83501	
ELLY SINGS THE BLUES LLC	515 CRESTLINE CIRCLE CT	LEWISTON	ID	83501	1639 23RD AVE
MCCANN RANCH & LIVESTOCK CO IC	P O BOX 445	LEWISTON	ID	83501	2002 THAIN GR
MCCANN RANCH & LIVESTOCK CO	PO BOX 445	LEWISTON	ID	83501	
LEWISTON CENTER EQUITIES LLC	14 STEUBEN LN	JACKSON	NJ	8527	1810 19TH AVE
MCCANN RANCH & LIVESTOCK CO	P O BOX 445	LEWISTON	ID	83501	2320 NEZ PERCE GR
LEWISTON CENTER PARTNERSHIP	PO BOX 3145	COEUR D'ALENE	ID	83816	
WINCO FOODS LLC	650 N ARMSTRONG PLACE	BOISE	ID	83704	2001 17TH ST
REGENCE BLUESHIELD OF ID INC	10 INVERNESS DR E STE 250	ENGLEWOOD	CO	80112	1602 21ST AVE
WINCO FOODS LLC	650 N ARMSTRONG PLACE	BOISE	ID	83704	
TA FINCH INVESTMENTS LLC	703 MAIN ST	LEWISTON	ID	83501	1840 19TH AVE
LEWISTON CENTER EQUITIES LLC	14 STEUBEN LN	JACKSON	NJ	8527	
LEWISTON CENTER PARTNERSHIP	PO BOX 3145	COEUR D'ALENE	ID	83816	

This drawing is only a visual aid in information and locations are approximate. There is no guarantee or warranty is expressed or implied for its accuracy.

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Swisstopo, Swisstopo, and the GIS User Community

This drawing is only a visual aid information and locations are approximate. There is no guarantee or warranty is expressed or implied for its accuracy.



PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 8/2/2023

Case File Number: CUP23-3

Applicant:

Tobe Finch (Happy Day Corporation)
703 Main Street
Lewiston, ID 83501

Property Owner:

TAFinch Investments LLC
703 Main Street
Lewiston, ID 83501

Site Location:

1840 19th Ave
Lewiston, ID 83501

Request/Proposal: The applicant requests conditional use permit approval, for a digital billboard in the Regional Commercial, C6, Zone and the Billboard, BB, Overlay Zone. The proposed billboard location is on the south side of the Lewiston Center Mall and on the east side of 17th Street, across from the Regence Blue Shield Campus. Billboards are allowed by Conditional Use Permit in the Billboard Overlay Zone per Lewiston City Code Section 37-114 and subject to the standards contained in Lewiston City Code Chapter 30, Sign Code.

Subject Property and Surrounding Land Uses: The subject property is approximately 1.28 acres, located on the south side of the Lewiston Center Mall property and is a commercial property containing a kitchen and maintenance warehouse. The subject property has a flag pole that connects it to the 17th Avenue right of way, and that flag pole connection is the proposed location for CUP23-3

the Billboard. Surrounding properties are a mix of commercial and residential uses, with the properties to the north (Lewiston Center Mall and Winco) and south (vacant parcel) being commercially zoned and the property to the east (vacant land and Sparklight Cable) being residentially zoned (but located in a commercial corridor). Properties to the west are a mix of commercial (Regence Blue Shield campus) and residential.

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

See attached Regional Commercial, C6, Zone.

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.

BILLBOARD OVERLAY ZONE BB

Sec. 37-113. BB Billboard Overlay Zone. [SHARE](#)

(a) *Purpose:* The purpose of the Billboard Overlay Zone is to permit the construction and maintenance of billboards in limited areas within the city according to specified standards. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-114. Standards. [SHARE](#)

(a) Any billboard constructed hereunder shall be located adjacent to a roadway designated as part of the Billboard Overlay Zone according to the official zoning map of the city of Lewiston and in a location approved by the planning and zoning commission.

(b) A conditional use permit shall be required to construct a billboard. An applicant shall apply for a conditional use permit as provided in Article IX of this chapter. In determining whether to grant or deny a conditional use permit for a billboard, the planning and zoning commission shall consider compliance with the standards contained in Chapter [30](#) of this code; whether the billboard would substantially block the view of any existing sign from the public right-of-way, and, if the billboard is an illuminated sign, whether the billboard complies with industry practices for eliminating or reducing up-lighting and light trespass. For purposes CUP23-3

of this section, *billboard*, *sign*, *public right-of-way*, and *illuminated sign* shall have the same meanings as defined in Chapter [30](#) of this code.

(c) The construction, modification, repair, and demolition of a billboard shall comply with the provisions and procedures set forth in Chapter [30](#) of this code. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4692, § 14, 10-30-17)

Chapter 30

SIGN CODE¹

Sec. 30-2. Findings, purpose and intent, interpretation.

 SHARE

(a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.

(b) The purposes of this sign code are to:

- (1) Promote freedom of speech in the use of signs;
- (2) Provide for reasonable and appropriate communication and identification for commercial districts in order to foster successful businesses;
- (3) Promote and maintain visually attractive residential, commercial, and historic areas;
- (4) Ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;
- (5) Minimize the possible adverse effect of signs on nearby public and private property;
- (6) Regulate the size, color, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of various neighborhoods, the creation of an attractive and harmonious community, and encouraging economic development;
- (7) Promote the public health, safety, and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstructions; and
- (8) Protect and preserve the aesthetic quality and physical appearance of the city of Lewiston.

(c) A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral, but accessory and subordinate, part of the principal use of the land or building. Therefore, the intent of this chapter is to establish limitations on signs in order to ensure that they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purposes while balancing the individual and community interests identified in subsection (b) of this section.

(d) This chapter shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.

(e) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the city of Lewiston. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one (1) or more of the purposes set forth above.

(f) These regulations are not intended to and do not apply to signs erected, maintained, or otherwise posted, owned, or leased by the state of Idaho, the federal government, the city of Lewiston, or any other local governmental entities. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps describe the types of signs that fall within the immunities of the government from regulation. (Ord. No. 4692, § 2, 10-30-17)

Sec. 30-3. Substitution.

Notwithstanding any other provision of this chapter, whenever a commercial message is allowed to be displayed, then a noncommercial message shall be allowed, as well. (Ord. No. 4692, § 2, 10-30-17)

Sec. 30-4. Scope.

This chapter shall apply except where specifically preempted by another chapter, article, or section of the Lewiston City Code. (Ord. No. 4692, § 2, 10-30-17)

Billboard means an elevated outdoor sign on which the owner may use, lease, or rent space for the purpose of conveying a commercial or noncommercial message. A billboard shall not exceed three hundred seventy-eight (378) square feet nor be more than forty (40) feet in height. A billboard may also be an electronic message center.

Billboard Overlay Zone means the same as set forth in Chapter [37](#), Article III of this code.

Electronic message center means a sign that utilizes computer-generated messages or some other electronic means of changing sign copy, which may include displays using incandescent lamps, light emitting diodes, liquid crystal displays, and/or a flipper matrix.

Sec. 30-13. Signs in commercial zones, excepting the Local Commercial (C-1) Zone and the Central Commercial (C-5) Zone.

(a) The following signs are authorized in all commercial zones, except the Local Commercial (C-1) Zone and the Central Commercial (C-5) Zone, without a sign permit:

(1) One (1) temporary sign no larger than thirty-two (32) square feet.

(2) Window signs covering no more than fifty (50) percent of the total window area, including glass doors. Such window signs may be internally illuminated and/or animated signs.

(3) One (1) bench sign no larger than fourteen (14) square feet. The bench sign shall not exceed four (4) feet in height and shall not obstruct free and clear vision of pedestrians and vehicular traffic, including clear vision areas.

Signs authorized by this subsection shall not count toward any limitation on the number or area of signs allowed on a lot, as set forth in this section.

(b) Within all commercial zones subject to this section, a property owner shall secure a sign permit prior to placing any other sign on the owner's property.

(c) Unless otherwise provided, the following regulations apply to all signs within commercial zones, except the Local Commercial (C-1) Zone and the Central Commercial (C-5) Zone:

(1) Wall signs.

a. Shall not exceed thirty-three (33) percent of the wall area on which such sign is located, including the area of any parapet. Such signs may be located under eaves.

b. Shall not extend above the wall roofline or above the top of a parapet wall, whichever is higher.

c. May be internally illuminated and/or animated signs.

(2) Freestanding signs.

a. One freestanding sign is allowed per five hundred (500) linear feet of lot street frontage or fraction thereof.

b. Shall not exceed forty (40) feet in height.

c. Shall not exceed an area equal to two (2) square feet per linear foot of lot street frontage; provided, however, all lots shall be allowed at least sixty (60) square feet.

d. Shall not exceed two hundred (200) square feet.

e. Shall not be located in a side or rear yard that is required by Chapter [37](#) of this code.

f. May project out to the public right-of-way; provided, that there is ground clearance of at least: (1) eight (8) feet six (6) inches above the grade of an adjacent sidewalk, or (2) fifteen (15) feet above driveways and parking lots.

g. Shall not project over the public right-of-way, alleys, or driveways.

h. May be internally illuminated and/or animated signs.

(3) Ground monument signs.

a. One (1) ground monument sign is allowed per five hundred (500) linear feet of lot street frontage or fraction thereof.

b. Shall not exceed six (6) feet in height; provided, however, if the sign width is thirty-three (33) percent or less than the sign height, then such sign shall not exceed twelve (12) feet in height.

c. The length shall not exceed ten (10) percent of the linear lot street frontage or eighteen (18) feet, whichever is less; provided, however, if the lot is a flag lot, then the sign shall not exceed thirty-two (32) square feet and the length requirement set forth above shall not apply.

d. Shall not be located in a side or rear yard that is required by Chapter [37](#) of this code.

e. May be internally illuminated and/or animated signs.

(4) Roof signs shall not exceed one-half (1/2) the height of the building to which such sign is attached or ten (10) feet in height, whichever is less.

(5) *Projecting signs.*

a. One (1) projecting sign is allowed per street frontage.

b. Shall not exceed sixty (60) square feet.

c. Shall be spaced at least fifteen (15) feet apart.

d. Shall not project over the public right-of-way.

e. Shall be placed at least fifteen (15) feet above all vehicle access routes.

(6) *Marquee signs.*

a. May project below the lower edge of a canopy or covering structure a maximum of twelve (12) inches.

b. Shall not project above a roof.

c. Shall have a ground clearance of at least eight (8) feet six (6) inches above the grade of an adjacent sidewalk.

(7) Wall art displays that include electrical or mechanical components shall not project more than six (6) inches from the plane of the wall upon which such display is painted or affixed. Wall art displays shall not be internally illuminated or animated signs.

(8) The combined total area of all signs on a lot shall not exceed three (3) square feet per linear foot of lot street frontage or sixty (60) square feet, whichever is more, unless otherwise provided by this chapter. If a building fronts on two (2) or more streets, then

the owner shall choose one (1) street frontage for the purpose of computing allowable sign area.

(9) No more than two (2) signs shall be allowed per lot street frontage. (Ord. No. 4692, § 2, 10-30-17)

Sec. 30-17. Billboards.

(a) Billboards shall only be allowed within the Billboard Overlay Zone, as provided in Chapter [37](#), Article III of this code.

(b) *General construction standards.*

(1) An application for construction of a billboard shall include plan sets approved and stamped by an engineer or architect licensed in the state of Idaho. Where a billboard is intended to be located along a road within the jurisdiction of the Idaho Transportation Department, plans shall also be submitted to the Idaho Transportation Department for its approval.

(2) There shall be at least five hundred (500) feet between all billboards located on the same street or highway, measured along the centerline of the public right-of-way, regardless of which side of the street or highway the billboards are located.

(3) No billboard shall be constructed within one hundred fifty (150) feet of an intersection, measured perpendicular to the nearest public right-of-way line for the crossing street.

(4) A billboard shall only be placed adjacent to an arterial street, as designated on the most recent urban functional classification map adopted by the Lewis-Clark Valley Metropolitan Planning Organization.

(5) A billboard shall not extend over the public right-of-way or any property line.

(6) A billboard may be attached to a building approved for occupancy by the building official. If attached to a building, the sign area of the billboard shall be counted towards the total allowable sign area for that building and lot.

(7) A billboard sign face shall not exceed three hundred seventy-eight (378) square feet.

(8) A billboard shall not exceed forty (40) feet in height as measured from the centerline of the adjacent street.

(9) A billboard may be an illuminated sign, an animated sign, and/or an electronic message center.

(10) A billboard may contain a mechanically-controlled face in order to change content; for example, a tri-face.

(11) A billboard that is an electronic message center shall not change messages more than once every nine (9) seconds. The message changing process shall be completed within two (2) seconds.

(12) A billboard that is an electronic message center shall be designed, in an event of malfunction, to: (a) freeze the display in a static position, (b) display a full black screen, or (c) turn off.

(c) Modifications.

(1) The copy on a billboard may be changed at any time without a new sign permit.

(2) A billboard structure may be changed only with an approved building permit.

(3) A billboard sign face may be removed and replaced with another visual medium that did not previously exist on the sign face only with an approved building permit – for example, replacing a static sign face with a movable face, scrolling message digital display, video display, or other similar technology that previously did not exist on the billboard sign face.

(d) Repair and demolition.

(1) If a billboard is damaged or destroyed, the owner of such billboard shall repair or demolish the billboard within fifteen (15) days of the damage or destruction. If a billboard is demolished, the owner of the billboard shall remove all demolition debris within said 15-day period.

(2) Unless otherwise provided, the owner of a billboard shall secure a demolition permit from the department prior to demolishing a billboard. The owner of the billboard shall file an application for a demolition permit at least forty-eight (48) hours prior to the scheduled time for demolition.

(3) If a billboard poses an immediate safety hazard, the owner of such billboard may immediately demolish the billboard. The owner of the billboard shall report such demolition to the building official within forty-eight (48) hours of the demolition. (Ord. No. 4692, § 2, 10-30-17)

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



(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;

CUP23-3

(2) Minimizing adverse impacts, such as limiting the number, size and location of signs and requiring screening, diking, fencing or landscaping;

(3) Controlling the timing, sequence, and duration of development;

(4) Designating the exact location and nature of development and assuring that it is maintained properly;

(5) Requiring the provision of on-site or off-site public facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

- (1) Property lines;
- (2) Street address or legal description;
- (3) Zoning of the property;
- (4) Setbacks measured from the property lines;
- (5) All building locations, size of buildings and overhangs;
- (6) Driveways and parking spaces;
- (7) Landscaping;
- (8) The size, location and nature of the requested use;
- (9) The location and size of all existing and proposed signs;

(10) Location of solid waste disposal and collection facilities;

(11) Other information, as directed by the community development department, necessary to fully explain and describe the nature of the request.

(b) The general site plan, as approved or modified by the commission, shall be made a part of the applicant's file and all construction and development shall comply with the conditions of approval set by the commission as well as all applicable city codes. Nothing in this general site plan approval shall be interpreted as allowing the owner or applicant variation from current ordinances that were not specifically addressed at the time of permit approval. (Ord. No. 4108, § 2, 8-15-94)

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

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

Comprehensive Plan:

The subject property is located in Neighborhood Number 2, Normal Hill, and has a future land use designation of Commercial.

Chapter 6. Land Use

Neighborhood Number Two – Normal Hill This neighborhood is bounded on the north by the Clearwater River, on the west by the Snake River, on the east by 21st Street and on the south by 25th Avenue.

b. Commercial Land Use

The Lewiston Center, a mid-size regional shopping center is located on 19th Avenue between 17th Street and 21st Street. Anchored by four major department stores, the center provides a variety of goods and services in a mall setting.

h. Desired Futures for Neighborhood Number 2 – Normal Hill:

20. The area west of 17th Street between 23rd and 25th Avenues as east of 15th Street is the site of the Fairview Terrace Planned Unit Development. Originally created in 1978, it was designed to incorporate commercial, multi family and single family residential uses. Portions of this PUD were developed, but approximately 13 acres remain vacant. Future land uses should be limited to professional offices along 23rd Avenue with the balance of the property designated as residential with a density of 5 to 8 units per acre. The arrangement of such uses should take into account terrain issues such as drainageways and steep slopes, traffic access points along existing streets and buffers between existing and future land uses to minimize the impact on existing residences in the area. (Ordinance 4345, November 17, 2003)

CHAPTER 1. A VISION FOR LEWISTON IN 2020

Second, commercial areas will be contained in commercial nodes with traditional strip commercial areas redeveloped over time to a more efficient use of land, but

we will make sure there is adequate land available for the expansion of our commercial business sector. Commercial areas located in the transitions between residential and commercial uses will be controlled through design review or other means to minimize their impact on the residential uses nearby.

GOAL (LU-12.0): Protect residentially zoned lands that are located adjacent to Commercially zoned lands.

OBJECTIVES: LU-13.1: Review and revise (as appropriate) development standards to assure that residential properties are protected from the impacts of commercial development.

LU-13.2: Review commercial uses that are permitted (outright or as a conditional use) in residential zones to assure consistency with the purpose of the zone and to minimize impacts to non-commercial uses. Revise zoning code as appropriate.

GOAL (LU-15.0): Maintain the design and functional character of each neighborhood.

OBJECTIVES: LU-15.1: Review and revise development standards, as appropriate, to assure that new development, additions, and remodels will maintain the design characteristics prevalent in the neighborhood. Such characteristics may include building height and massing, setbacks, lot coverage, lot size, and other characteristics that define a neighborhood.

LU-15.3: Continually review permitted, conditional and prohibited uses to assure that the mix of uses allowed by the zoning ordinance does not adversely impact residential neighborhoods. Revise zoning ordinance if appropriate.

LU-15.5: Review and revise development standards to buffer residential zones and/or uses from commercial and industrial uses. Such revised standards may address landscaping, berms, fences, walls, access, lighting, uses, hours of operation, or other criteria as may be appropriate.

LU-15.8: Maintain strict enforcement of zoning, building, sign and other development-related codes and ordinances.

GOAL (LU-17.0): Manage traffic in residential areas to meet the needs of local residents, as well as City-wide needs, while minimizing disruption to neighborhoods.

Chapter 10: Transportation

This section of 17th Street is classified as a Minor Arterial and is also a local truck route. There is an existing bus stop in front of the Lewiston Center Mall on 19th Avenue and this section of 17th Street is on the West Route bus route.

Input From Other Departments/Agencies:

The Fire Department had no comments on the application.

The Engineering Division of the Public Works Department commented; "Future road widening will require 10 feet of right of way dedication along 17th Street. Winco dedicated 10 feet with their property development just north of the project site. Recommend that the western edge of the sign be placed at least 10 feet from the existing western property line to prevent having to relocate the sign in the future."

Analysis:

The subject property is located in the C4, General Commercial Zone and contains a commercial kitchen and warehouse. The subject property is a flag lot, with the "flag pole" of the lot reaching to the 17th Street right of way. This section of 17th Street (from approximately the intersection of 17th Street and 19th Avenue, traveling south 1015 feet along 17th Street) is also located in the Billboard Overlay Zone. The street is classified as an Arterial street. There are no other billboards located within this specific section of Billboard Overlay Zone.

The subject property is located approximately 300 feet from the intersection of 17th Street and 21st Avenue and approximately 250 feet from the intersection of 17th Street and 23rd Avenue.

The proposed billboard is 40 feet tall (maximum height allowed) and 375 square feet in size (15 feet tall by 25 feet wide). The application notes that the sign cannot encroach into the right of way and that a survey to verify the location of the public right of way will be performed. The proposed billboard will be an electronic message center, which is allowed as long as the illumination standards set forth in Chapter 30, Sign Code, are followed.

Relevant Criteria and Standards:

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.
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.
6. In determining whether to grant or deny a conditional use permit for a billboard, the planning and zoning commission shall consider compliance with the standards contained in Chapter [30](#) of this code;
7. whether the billboard would substantially block the view of any existing sign from the public right-of-way; and,
8. if the billboard is an illuminated sign, whether the billboard complies with industry practices for eliminating or reducing up-lighting and light trespass.

Prepared By:

Katie Hollingshead
(208) 746-1318, ext. 7261

CUP23-3

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.

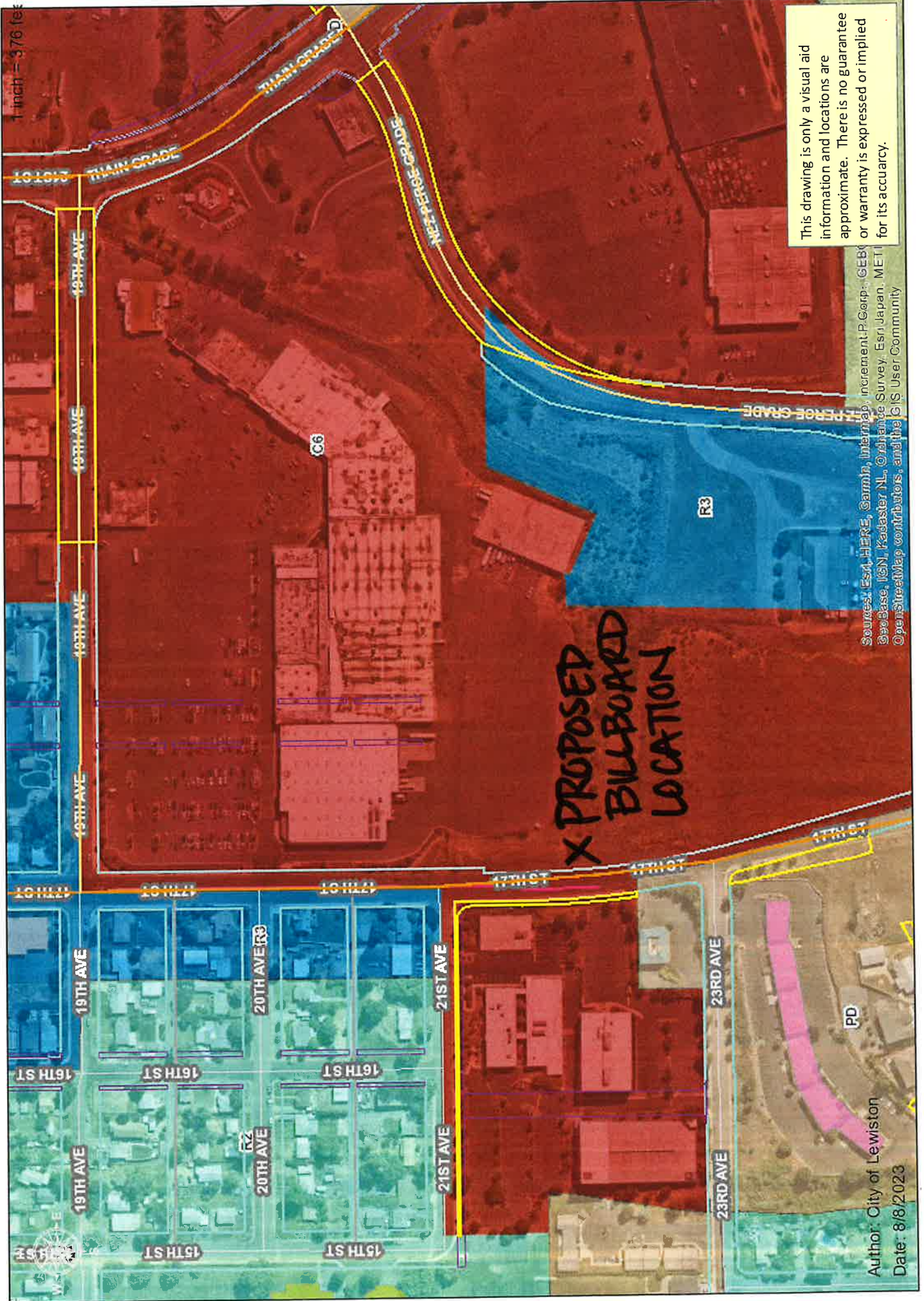
In a C-6 zone, the following development standards shall apply and be in force:

- (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.

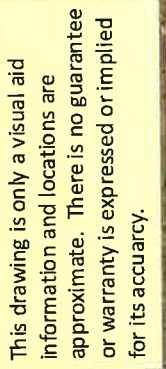
(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4531, § 9, 7-13-09)

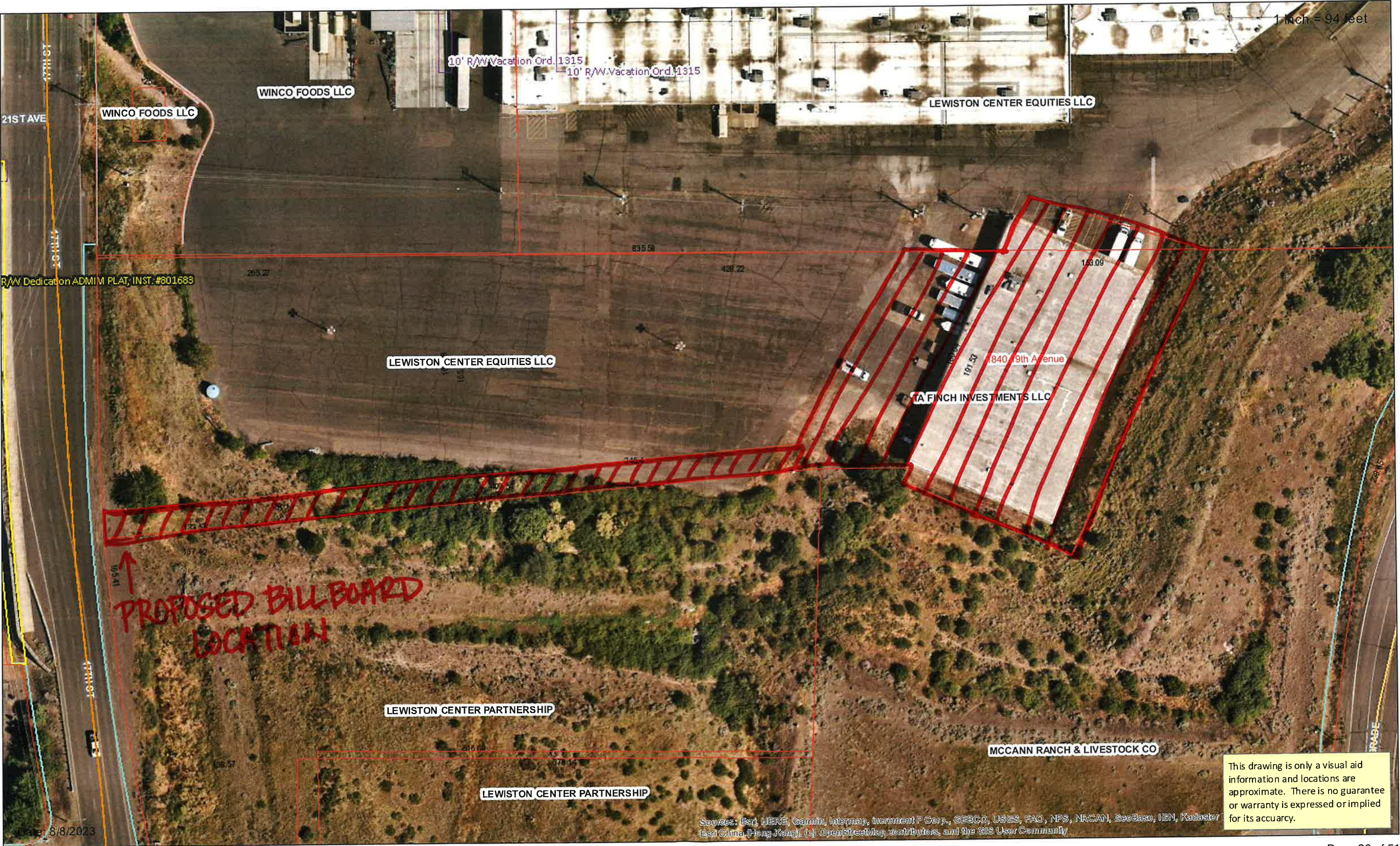


This drawing is only a visual aid information and locations are approximate. There is no guarantee or warranty is expressed or implied for its accuracy.

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, Swirebase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, OpenStreetMap contributors, and the GIS User Community

Author: City of Lewiston
Date: 8/8/2023







August 9, 2023

To: Lewiston Planning and Zoning Commission

Re: Southern Hills Addition #1 - Preliminary Plat (SUB23-000002)

Commissioners:

The Southern Hills Addition #1 preliminary plat proposes to plat approximately 2.77 acres of undeveloped property located along the east side of 6th Street, north of Stewart Avenue, into six lots. All of the proposed lots in the subdivision will be "standard" lots which have frontage on an improved public street that exceeds the minimum required lot width for the zone. The proposed development will require dedication of right-of-way and construction of public improvements for the east half (28 feet) of 6th Street for approximately 640 l.f., fronting the subdivision. Frontage improvements for approximately 160 l.f. of Stewart Avenue adjacent to the south line of the proposed Lot 1 will also be required. City water mains currently exist in 6th Street, and will be utilized to provide water for the proposed subdivision. In order to provide access to public sewer for the proposed lots, the developer will be required to construct approximately 1,800 l.f. of sanitary sewer main, north on 6th Street to the existing end of the street, then west across an additional parcel of the developer's property to tie in with the existing sewer main in Nez Perce Grade. Avista Utilities, CenturyLink/Lumen Technologies, and Sparklight have also confirmed their intent to provide utility service to the development.

The subject property was recently re-zoned from F-2 to R2-A, and the proposed lot configurations adhere to the requirements of the R2-A zone, as outlined in the City of Lewiston Zoning Ordinance, City Code Chapter 37.

The preliminary plat complies with the applicable requirements of the City of Lewiston Subdivision Ordinance, City Code Chapter 32.

City Staff recommends that the Lewiston Planning and Zoning Commission recommend to the Lewiston City Council approval of the Southern Hills Addition #1, preliminary plat as presented.

Sincerely,

Mark Weigand, PLS
City Surveyor

DEVELOPMENT PLAN

SOUTHERN HILLS ADDITION #1

LEWISTON, IDAHO 83501

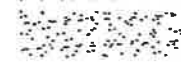
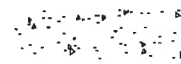
AGENCY TELEPHONE NUMBERS

CITY OF LEWISTON BUILDING & PLANING	(208) 746 1318
CITY OF LEWISTON PUBLIC WORKS	(208) 746 1316
AVISTA UTILITIES	
NATE VONLINDERN	(208) 798 1476
SPARKLIGHT	
CALEB STEELE	(208) 305 6210
LUMEN TECHNOLOGIES	(208) 743-3647
WARREN WATTS ENGINEERING	(509) 780 9725
3435 CLEMENS RD	
CLARKSTON, WASHINGTON 99403	
MCCANN RANCH & LIVESTOCK	(208) 791 6767
PO BOX 445	
LEWISTON, IDAHO 83501	

SHEET INDEX

SHEET # 1	COVER
SHEET # 2	SITE PLAN
SHEET # 3	WASTEWATER PLAN
SHEET # 4	WASTEWATER PROFILE
SHEET # 5	UTILITY PLAN

LEGEND

	EXISTING SOIL
	CRUSHED AGGREGATE
	CONCRETE
	EXISTING LOT LINE
	BUILDING SET-BACK LINE
	HIDDEN LINE
	EXISTING RIGHT-OF-WAY
	CENTER LINE
	EXISTING BUILDING
	WATER LINE
	OVERHEAD POWER
	FENCE

VICINITY MAP



MATERIAL LIST

CONSTRUCTION NOTES

NOTES:

- 1) PLAT HAS BEEN ZONED AS R2-A
- 2) STORMWATER WILL BE REQUIRED TO BE DETAINED ON-SITE IN ACCORDANCE WITH CITY OF LEWISTON ORDINANCE 80-100

WW ENGINEERING

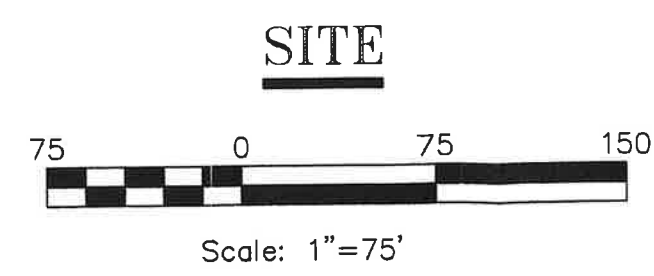
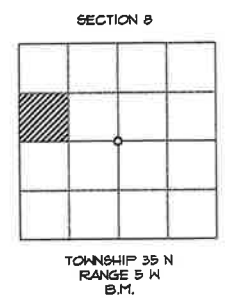
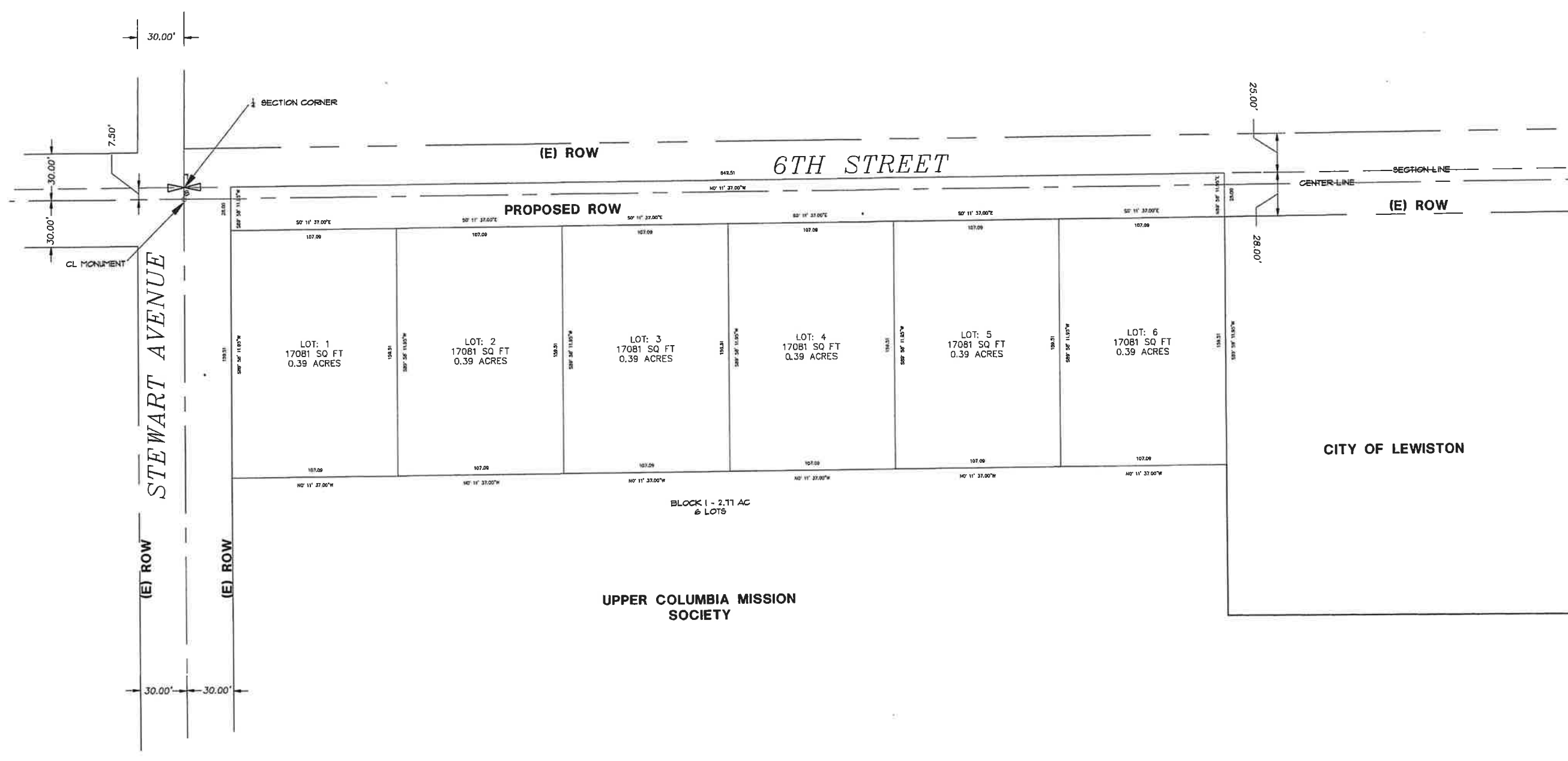
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DEVELOPMENT PLAN

SOUTHERN HILLS ADDITION 1
6TH STREET & STEWART AVENUE
LEWISTON, IDAHO 83501
COVER PAGE

DRAWN BY: KCW	CHECKED BY: WRW
DESIGNED BY: WSW	
DATE: 06/29/2023	
LAST REV: 8/01/23	
PROJECT NO.: 230101	
SHEET 1 OF 5	



LEGEND

---	CENTER LINE
---	RIGHT-OF-WAY
///	UTILITY EASEMENT
---	BUILDING SET BACK REQ

WW ENGINEERING

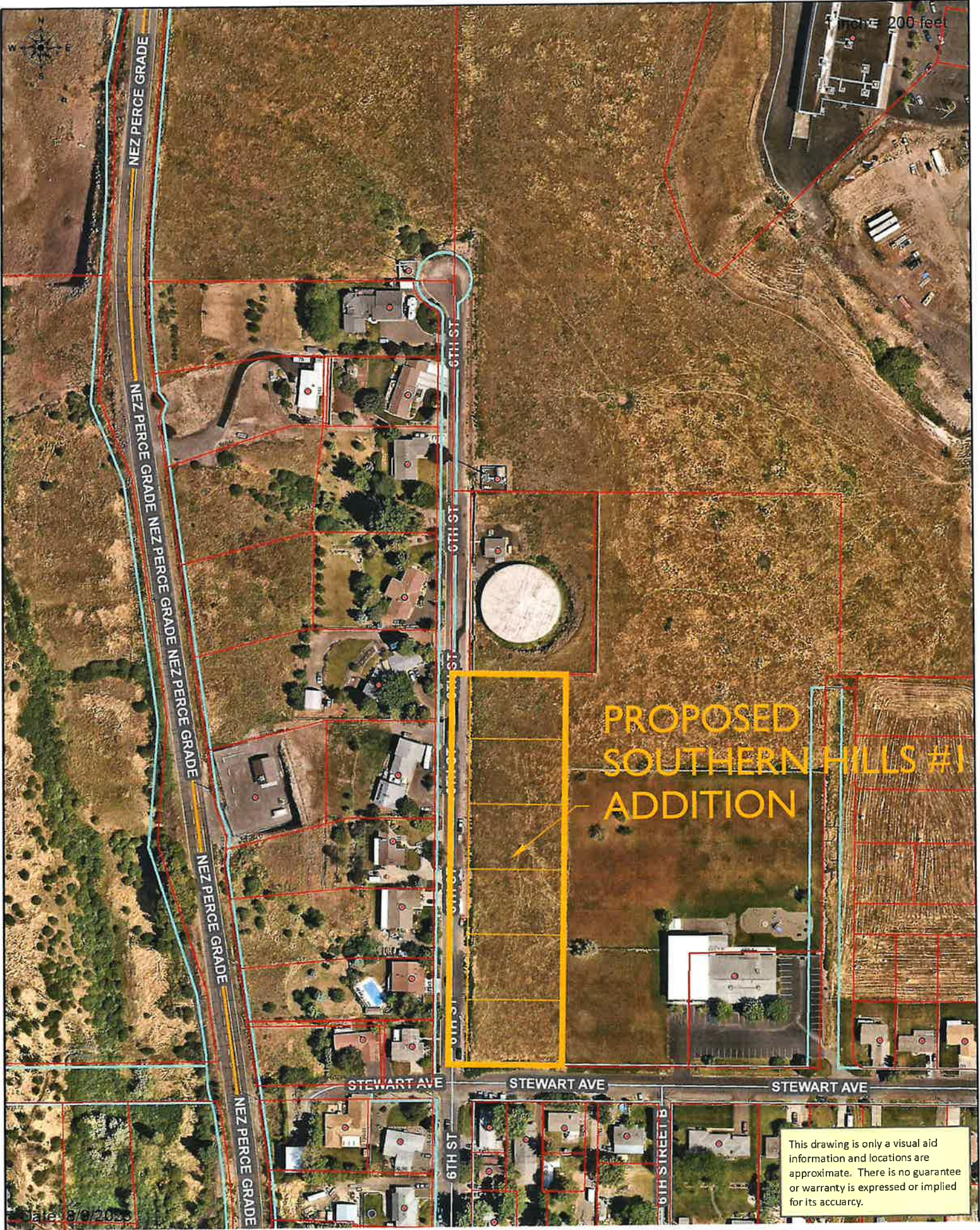
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DEVELOPMENT PLAN
SOUTHERN HILLS ADDITION 1
6TH STREET & STEWART AVENUE
LEWISTON, IDAHO 83501
PRELIMINARY PLAT

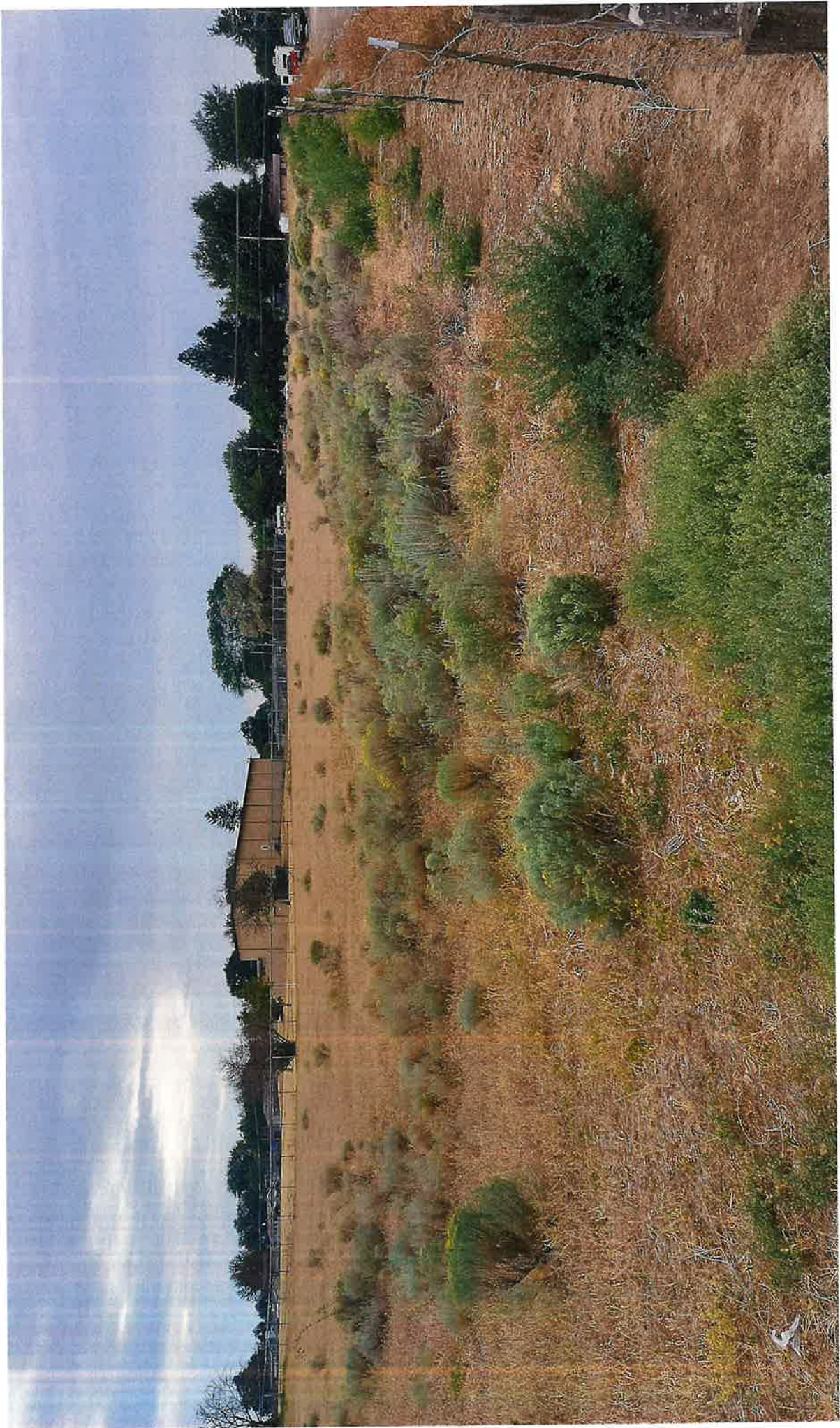
DRAWN BY:	KCW	CHECKED BY:	WRW
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DATE:	06/29/2023		
LAST REV:	8/01/23		
PROJECT NO.:	230101		
SHEET	2 OF 5		

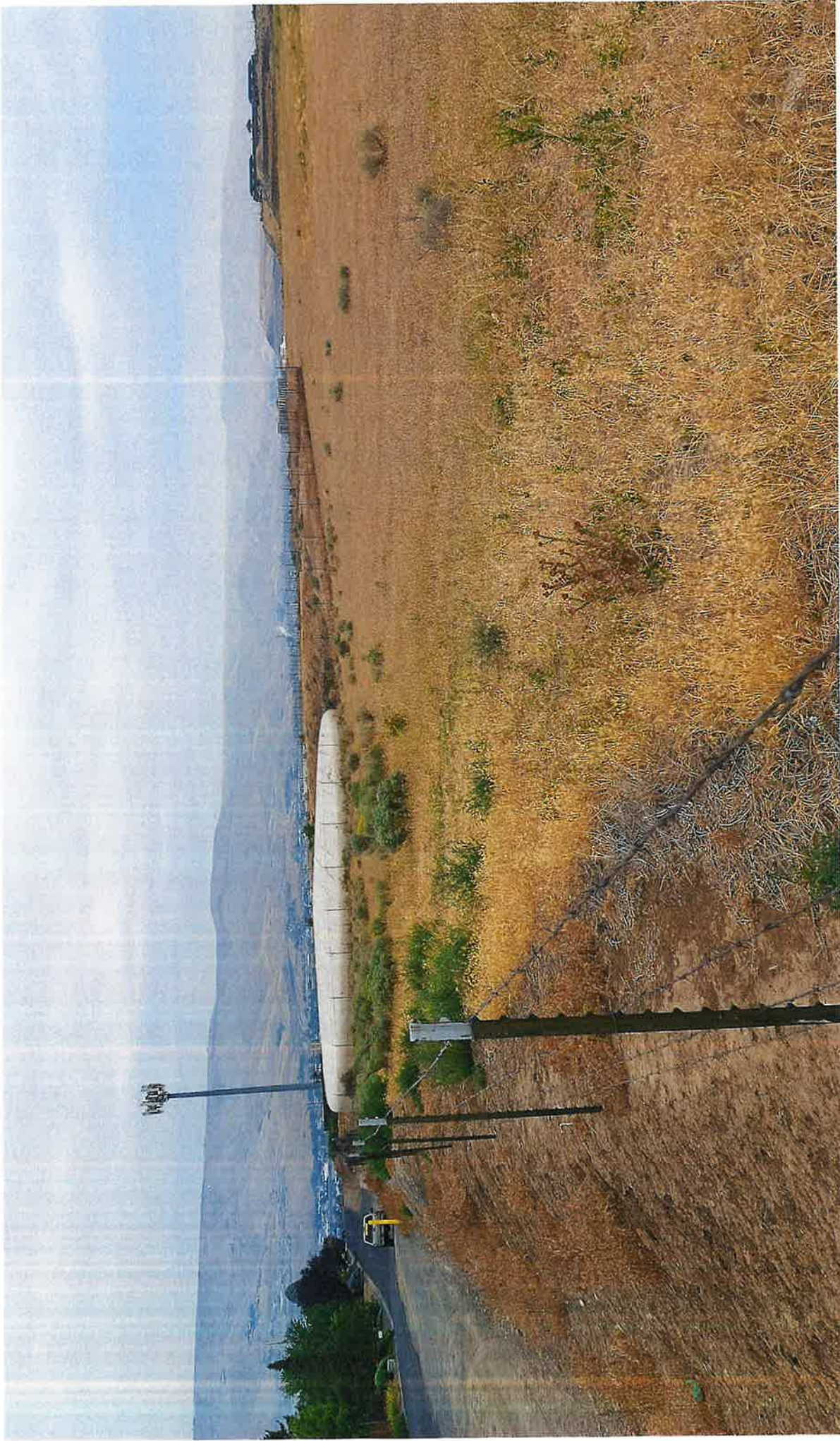












CITY ORDINANCE NO. 4891

AN ORDINANCE OF THE CITY OF LEWISTON AMENDING SECTION 37-183 RELATED TO THE DUTIES OF THE PLANNING AND ZONING COMMISSION; AMENDING SECTION 37-184 REGARDING THE CONDUCT OF PUBLIC HEARINGS; REPEALING AND REPLACING SECTION 37-185 REGARDING ACTIONS AFTER FINAL DECISIONS OF THE PLANNING AND ZONING COMMISSION AND/OR THE CITY COUNCIL; AMENDING THE DEADLINE TO FILE AN APPEAL IN SECTION 37-192; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: Lewiston City Code § 37-183 is hereby amended as follows:

Sec. 37-183. Duties of the planning and zoning commission.

The planning and zoning commission shall have jurisdiction and authority as follows:

...

- (7) To hear appeals from rulings of the community development department related to its administration and enforcement of this chapter.

...

SECTION 2: Lewiston City Code § 37-184 is hereby amended as follows:

Sec. 37-184. Rules for conduct of public hearings and subsequent decisions.

...

- (c) Conduct of public hearings. A public hearing shall be held to determine whether the application is consistent with the policies and goals enumerated in this chapter. The procedure for such public hearings shall be as set forth in Section 2-26(n) of this Code, in addition to the following:

~~(1) No person shall be permitted to testify at such a hearing until the person has been recognized and called upon by the chairman or the mayor.~~

~~(2)(1) All public hearings shall be recorded and all persons speaking at such hearings shall speak in such a manner as to ensure the accuracy of the recorded testimony and remarks. A person desiring to testify may also submit written testimony at any time prior to the conclusion of the public hearing.~~

~~(3) At the commencement of the public hearing, the chairman may establish a time limit to be observed by all speakers.~~

~~(4) Each commission member or council member, when recognized by the mayor, shall be allowed to question the speaker, and the speaker shall be limited to answers to the questions asked. The question and answer period shall not be included in the speaker's time limit that might be established by the chairman. The speaker shall not be~~

~~interrupted by the planning and zoning commission or the city council until his time has been expended or until he has finished his statement.~~

- ~~(5)(2) Any person who disrupts a public hearing by making impertinent, slanderous, or unauthorized remarks, or who becomes disruptive while addressing the commission or attending a public hearing shall first be warned by the chairman that he or she is out of order and that further disruption shall be cause to remove the person from the hearing. If the person continues to cause a disruption after being warned, the person may be removed by order of the chairman. not conforming to the above rules may be prohibited from speaking during the public hearing. Should such person refuse to comply with such prohibition, he may be removed from the room by order of the chairman or mayor.~~
- ~~(6) Prior to closing the public hearing, the public hearing may be continued or recessed to a date certain, or indefinitely, upon a majority vote of the city councilors or commissioners present.~~
- ~~(7) Cross-examination of persons testifying at the public hearing shall not be permitted. An applicant shall have an opportunity to rebut any testimony submitted.~~
- ~~(8) Any exhibit introduced by any person shall be retained and made a part of the record.~~

...

SECTION 3: Lewiston City Code § 37-185, titled "Appeal from action or ruling of planning and zoning commission," is hereby repealed in its entirety.

SECTION 4: A new § 37-185 of the Lewiston City Code is hereby enacted as follows:

Sec. 37-185. Actions after a final decision of the planning and zoning commission and/or city council.

- (a) *Final decisions.* A decision is not considered final, and no petition for judicial review of the decision may be filed, until the provisions of this Section have been completed and the provisions below have been exhausted as provided by this section and Idaho Code § 67-6535(2)(b), as may be amended from time-to-time.
- (1) A final decision of the commission is not a final decision for the purposes of judicial review until the commission has issued a final decision upon reconsideration and the city council has issued a final decision on appeal.
- a. Commission recommendations to city council are not final decisions and, thus, shall not be subject to reconsideration or appeal.
- (b) *Request for reconsideration of a final decision by the commission or by the city council.*
- (1) Procedure: An applicant or affected person may file a written request for reconsideration with the city clerk to request that the commission or the city council reconsider a final decision within fourteen (14) calendar days by 5:00 p.m. on the fourteenth (14th) day after the commission or city council has adopted its written 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.

a. 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 a commission decision to the city council or petition for judicial review of a final decision by the city council.

(2) Stay of action: The filing of a request for reconsideration stays further action on the project, including recording of any related ordinances or resolutions.

(3) Reconsideration.

a. Upon receipt of a request for reconsideration that complies with the requirements of this section, the matter shall be scheduled for reconsideration by the commission or city council, as applicable, no later than the second regularly scheduled meeting after the filing of the request for reconsideration.

b. Upon reconsideration, the decision may be affirmed, reversed, or modified, pursuant to Idaho Code § 67-6535, as may be amended from time-to-time. A written decision shall be provided to the applicant or affected person within thirty (30) days of reconsideration, in accordance with Idaho Code § 67-6535, as may be amended from time-to-time.

c. A decision on reconsideration of a final decision made by the city council is not eligible for reconsideration under the provisions of this section.

(c) Appeal of a final decision of planning and zoning commission.

(1) Procedure: Within fourteen (14) calendar days after the 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. The written notice of appeal shall include, at a minimum, the following information: (i) the name and address of the applicant or affected person, (ii) identification of the section(s) of this 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. Written notice of the appeal shall be filed with the city clerk and the fee required by section 37-188 of this Code 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 section 37-188 of this Code is not deposited with the city clerk within the fourteen (14)-day period, then the decision of the commission shall be final. If an appeal is filed and the required fee is deposited within the required time, the commission shall make a written report of the case to the council.

- a. The council may, in its sole discretion and without hearing or notice, either refuse to accept jurisdiction of such appeal, in which case the decision of the commission shall be final, and any appeal fees shall be refunded; or it may provide that such appeal shall be heard at a public hearing before the city council at such time and pursuant to such rules as the council may determine.
- (2) Stay of proceedings: The filing of an appeal of a commission decision stays further approvals and/or actions on the project.
- (3) Conduct of appeal hearing.
 - a. The city council shall hear an appeal of a final decision of the commission de novo, and is not required to rely upon or be bound by the reasoning or conclusions made by the commission.
 - b. In the event the council decides to hold a public hearing regarding an appeal, the city clerk shall publish notice of a public hearing on the matter as required by section 37-184(b) of this Code.
 - c. During the public hearing, testimony shall be limited to those issues that were set forth in the written appeal. The city council may ask about or request information regarding aspects of the project that were not included in the written appeal, if they desire, but shall not supplement or alter the specific grounds upon which the appeal is made.
- (d) *Criteria on which decision may be based.*
 - (1) After hearing a request for reconsideration or an appeal, the commission or city council may affirm, reverse, or modify any final decision, or the city council may order the case back to the commission for further proceedings. The commission's or city council's decision to affirm, reverse, or modify a final decision shall be based on one or more of the following criteria:
 - a. The decision violates state or federal law.
 - b. The decision exceeds the statutory or delegated authority of the commission or city council.
 - c. The decision was made through procedures that were unlawful or inconsistent with this Code.
 - d. The decision is not supported by substantial evidence.
 - e. The decision is arbitrary, capricious, or an abuse of discretion in that it was made without rational basis, or in disregard of the facts and circumstances presented. Even if the record would support two different interpretations of what this Code and applicable state and federal law requires, the action is not arbitrary, capricious, or an abuse of discretion if exercised honestly and after due consideration upon review.
 - (2) If error is found, the commission or city council may reverse or modify the decision.

- (3) If no error is found, the commission or city council shall deny the request for reconsideration or appeal, and the decision shall be upheld.
- (4) The city clerk shall mail to the applicant and the appellant notice of the decision together with the reasoned statement and a notification of the right to seek further review, including judicial review.

SECTION 5: Lewiston City Code § 37-192(c) is hereby amended as follows:

Sec. 37-192. – Duties of the community development department.

...

(c) An appeal from a ruling of the community development department may be made in writing to the commission by an affected person, within ~~fifteen (15)~~fourteen (14) days of the ruling. Notices of the appeal shall be sent to all adjacent property owners, giving the date and time the commission will consider the appeal.

SECTION 6: This ordinance shall take effect and be in full force from and after its passage

and publication.

PASSED this _____ day of _____ 2023.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

City Clerk

CITY ORDINANCE NO. 4896

AN ORDINANCE OF THE CITY OF LEWISTON REPEALING SECTION 37-159.1 OF THE LEWISTON CITY CODE TITLED “SETBACK FROM OVERHEAD ELECTRICAL TRANSMISSION LINES” AND RESERVING SUCH SECTION, AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: Lewiston City Code § 37-159.1, titled “Setback from overhead electrical transmission lines,” is hereby repealed and reserved for future use.

SECTION 2: This ordinance shall take effect and be in full force from and after its passage and publication.

PASSED this _____ day of _____, 2023.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

_____, City Clerk