

MEETING AGENDA

LEWISTON PLANNING AND ZONING COMMISSION

FEBRUARY 22, 2023 AT 5:30 P.M.

**COMMUNITY DEVELOPMENT DEPARTMENT BUILDING,
215 D STREET, 2ND FLOOR, LEWISTON, ID 83501**

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

COMMISSION MEMBERS: Chair; Michael Busch, Vice Chair; Gabriel Iacoboni, Kathy Branson, Cynthia Ball, Kevin Kelly, Maureen Anderson, Open Position

AS A MATTER OF PUBLIC SERVICE AND GOVERNMENTAL TRANSPARENCY, THIS MEETING
MAY BE RECORDED, STREAMED LIVE AND/OR ACCESSED AT A LATER TIME. NOTE THAT THIS
MAY INCLUDE VIDEO AND AUDIO OF ALL PERSONS PRESENT.

- 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.
- III. **APPROVAL OF FEBRUARY 8, 2023 MEETING MINUTES (ACTION ITEM)**
- IV. **APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR ZONE CHANGE APPLICATION ZNC23-000001 BY GRECO LAND DEVELOPMENT, LLC (ACTION ITEM)**: The applicant requests that the undeveloped 14.27 acres known as Skyview Estates Phase III plat, as filed with Nez Perce County, and generally located south of Powers Avenue and east of 22nd Street, be removed from the Lewiston Area of City Impact and annexed into Lewiston city limits and that it be assigned a Comprehensive Plan Land Use Designation of Low

Density Residential and placed in the Suburban Residential, R1, Zoning District and amending the Lewiston Area of City Impact Map accordingly.

V. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR APPLICATIONS CPA23-000002, AND ZNC23-000002 BY DK HOLDINGS, LLC (ACTION ITEM):

The applicant proposes to amend the Comprehensive Plan Land Use Designation from Low Density Residential to Medium Density Residential and rezone from Suburban Residential, R1, Zone to Medium Density Residential, R3, Zone, the tax parcel RPL0097003000A, consisting of 8.96 acres and generally located east of 18th Street, north of Airway Avenue, and south of unimproved Bryden Avenue.

VI. STAFF-COMMISSION COMMUNICATIONS

- A. Query of Commissioners for the March 8, 2023 meeting (CUP public hearing)

VII. ADJOURN (ACTION ITEM)

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access to the facility within which this meeting is being held, please contact City Planner, Joel D. Plaskon at least forty-eight hours in advance of the meeting at (208) 746-1318 extension 7202 or jplaskon@cityoflewiston.org.

February 08, 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; Cynthia Ball

COMMISSIONERS EXCUSED: Kathy Branson;

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Dawn Ortiz, Community Development Specialist; Aaron Butler, IT; Kayla Herman, City Attorney; Brianne Drury, Assistant City Attorney; Jennifer Tengono, Assistant City Attorney

II. CITIZEN COMMENTS

None

III. APPROVAL OF JANUARY 25, 2023 MEETING MINUTES (ACTION ITEM)

Commissioners Kelly and Iacoboni moved and seconded, respectively, approval of the January 25, 2023 meeting minutes. The motion carried 4-0.

IV. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR CONDITIONAL USE PERMIT APPLICATION CUP23-000001; AN APPLICATION BY FRANK NUDING TO INSTALL A BILLBOARD SIGN AT 2231 2ND AVE NORTH (ACTION ITEM):

Commissioners Iacoboni and Kelly moved and seconded, respectively, approval of reasoned statement CUP23-000001. Motion passed 4-0.

V. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR APPLICATIONS ANX23-000001, CPA23-000001, ZNC23-000001 BY GRECO LAND DEVELOPMENT, LLC (ACTION ITEM):

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

Assistant Planner Katie Hollingshead provided a verbal summary of the staff report with maps and photos so the commission can get geographically familiar with the area.

Commissioner Iacoboni asked how many houses are projected to be built for this project.

Staff Hollingshead stated the proposal provides 36 lots, but that only includes the lots within the City limits.

Commissioner Kelly asked if all lots will be hooked up to the sewer.

Staff Hollingshead stated only phase III and the previous annexed lots from other phases will be hooked up to the sewer.

The applicant did not provide any testimony.

Wayne Groefsema at 2230 Powers Ave, Lewiston, Id, asked if this annexation is approved, what impact will it have on the rest of the properties on Powers Ave. There was previous talk about the other phases being forced annexed into the City of Lewiston: will this happen?

Commissioner Ball asked if that annexation was to allow them to connect to the City sewer.

Mr. Groefsema stated he was denied a septic tank permit and had to annex into the City so they could connect to the City sewer and acquire their occupancy certification.

Commissioner Ball asked if all homeowners from Phase I were under the understanding they would be forced to annex into the City at a later date.

Mr. Groefsema said they were informed at a December 2018 meeting that they would be forced into annexation.

Larry Brisbin at 2224 Powers Ave, Lewiston, Id, Mr. Brisbin is still on a septic tank and does not want to connect to the City sewer system until possibly later down the road.

Staff Hollingshead address that forced annexation is not part of this current annexation.

Commissioner Ball stated that the homes not currently annexed were forced into annexation. These homes could still utilize their existing septic tank until there is a failure with the septic tank, then they would need to connect to the City sewer system. Commissioner Ball asked what is the cost for connecting to the sewer system.

Staff Hollingshead stated yes they could still use the septic systems and she does not know what the cost is as that is a Public Works fee.

There being no more public comment, Chair Busch closed the public hearing.

Commissioners Kelly and Ball moved and seconded, respectively, to recommend approval of ANX23-000001 to City Council. Motion passed 4-0.

Commissioners Iacoboni and Ball moved and seconded, respectively, to recommend approval of CPA23-000001 to City Council. Motion passed 4-0

After deliberation and discussion of relevant criteria, commissioners Ball and Kelly moved and seconded, respectively, to direct staff to draft a Reasoned Statement recommending approval of ZNC23-0000001 to City Council. Motion passed 4-0

Commissioners Kelly and Iacoboni moved and seconded, respectively, to recommend approval of the associated Area of City Impact map amendment to City Council. Motion passed 4-0.

VI. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for February 22, 2023 meeting.

Staff Hollingshead stated there will be a new Commissioner joining the Commission at the next meeting. The remaining open seat is being advertised on the City sites, but not receiving much interest. There will be a public hearing at the 2/22/2023 meeting.

All current commissioners will be in attendance at the next meeting.

VII. ADJOURN

There being no further business, Commissioners Iacoboni and Ball moved and seconded, respectively, to adjourn. The motion carried 4-0 and the Planning and Zoning Commission adjourned at approximately 6:12 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2023.

**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:
ZNC23-000001

II. APPLICANT’S NAME AND ADDRESS:
Greco Land Development, LLC
2206 Hemlock Avenue
Lewiston, ID 83501

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
Approximately 14.27 acres known as Skyview Estates Phase III plat, as filed with Nez Perce County, and located generally south of Powers Avenue and east of 22nd Street.

IV. DATE OF PUBLIC HEARING:
February 8, 2023

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

VI. NATURE OF APPLICATION:
Rezone subject property from Area of City Impact (Nez Perce County) Suburban Residential, R-1A, Zone to City of Lewiston Suburban Residential R-1, Zone.

VII. DECISION:
The Lewiston Planning and Zoning Commission recommends **APPROVAL** of ZNC23-000001 to the Lewiston City Council.

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None

IX. RELEVANT CRITERIA AND STANDARDS:

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

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

The subject property is in Lewiston Comprehensive Plan (Plan) Neighborhood Number 7, Area of City Impact, and recognized as being appropriate for annexation into the City of Lewiston for suburban residential development. The Plan provides, in relevant part, that “ACI’s are transition areas between each city and the county and act as place holders for future annexation and eventual urban development.” (Chapter 6.8). Further, the Plan states that “ACI’s are important tools that help coordinate growth with the availability of services... to concentrate density to those areas best prepared to receive new developments.” (Chapter 6.8).

The subject property is proposed to be located in Neighborhood Number 7, East Orchards, and designated on the Future Desired Land Use Map as Suburban Residential, which provides that serving utilities should extend public utilities to the city limits to allow proper development of vacant lands (Chapter 6.7.h.2). The subject property is adjacent to existing sewer utilities, and the applicant has installed a water booster station in conjunction with Lewiston Orchards Irrigation District (LOID) standards to serve the subdivision. The extension of the sewer utilities and addition of the water booster station are in conformance with the desired futures of Neighborhood Number 7, East Orchards, which the subject property will reside in.

The proposed rezone is also consistent with the Goal Statement of Chapter 6.8 of the Plan, Area of City Impact and Annexed Ares, which is: “To plan for and manage growth that protects private property rights, ensures adequate public facilities and services are provided at reasonable costs, encourage urban development within cities, and ensures that land is developed commensurate with its physical characteristics.”

ZNC23-000001 is found to be consistent with the Lewiston Comprehensive Plan and will further the goals and objectives stated above in the Lewiston Comprehensive Plan.

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

The subject property is adjacent to existing Suburban Residential, R-1, Zone on the north and west sides of the property. The purpose of the Suburban Residential, R-1, Zone is, “[t]o

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNC23-000001

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provide for agricultural or transitional area for suburban residential uses.” (LCC Sec. 37-18). All of the proposed lots within the subject property meet the dimensional and lot area standards of the Suburban Residential, R-1, Zone.

Further, the subject property is better suited for the proposed City of Lewiston Suburban Residential, R-1, Zone than the existing zoning designation because it will further the goals and objectives stated in the Plan. The subject property has thus been recommended by the Planning and Zoning Commission for annexation by City Council into the City of Lewiston.

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

The subdivision approved by Nez Perce County associated with ZNC23-000001 is for thirty-six (36) residential lots ranging in size from 10,813 square feet to 21,629 square feet. The Suburban Residential, R-1, Zone allows single family dwellings on lots of 10,000 square feet and duplexes on lots of 15,000 square feet. (LCC Sec. 37-21). All proposed lots within the subdivision meet the lot size standards of the Suburban Residential, R-1, Zone. Two of the proposed lots classified as flag lots meet the standards required for that lot configuration. Properties to the north, west, and south of the subject property currently contain single family dwellings. The by right uses, conditional uses, and development standards of the proposed Zone are exactly the same as those applicable to the other properties in the neighborhood that are within city limits, and are substantially similar to those applicable to the other properties within the area that remain within the ACI.

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

Political subdivisions were notified of the proposed rezone. City departments and the LOID provided comments. The Fire Department stated that access and water supply is to comply with the International Fire Code. The Public Works Department – Engineering Division had no objections. The LOID commented that the Developer had already installed a water booster station designed to meet the fire flow requirements of the Fire Department, and was currently serving both Phase I & II of the Skyview Estates development.

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

The characteristics of the proposed rezone are similar in type and density to the existing surrounding neighborhood, and will be zoned Suburban Residential, R-1, Zone. The Developer has entered into an annexation agreement with the City, in which the City agreed to provide wastewater services to the Developer for the subject property, provided the Developer consented to annexing the subject property into the City of Lewiston. City sewer will be extended from Powers Avenue to serve the subject property. The LOID will provide

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR ZNC23-000001

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water to the subject property. Furthermore, the by right uses, conditional uses, and development standards of the proposed Zone are exactly the same as those applicable to the other properties in the neighborhood that are within city limits, and are substantially similar to those applicable to the other properties remaining within the ACI.

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

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

NOTICE TO APPLICANT: 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.

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: _____
Dawn Ortiz, Community Development Specialist

Case Number:

Hearing Date:

2-22-23



APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

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.

****NOTE: INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED****

APPLICANT INFORMATION

Full Name: DK HOLDINGS LLC Date: 1/18'23
Last First M.I.
 Address: 247 THAIN RD. #107
Street Address Apartment/Unit #
LEWISTON ID 83501
City State ZIP Code
 Phone: 2087985000 Email: dan@qdplans.com
 Property Owner Name: DK HOLDINGS LLC Phone: SAME
 Mailing Address: SAME

PROPERTY INFORMATION

Street Address of Subject Property: 18TH STREET AND AIRWAY AVE
 Subdivision Name: LO Tract #12 Block: 97 Lot: 3 & 4

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

NATURE OF YOUR REQUEST

The current Comprehensive Plan Designation of this property is: Low density residential

The **proposed** Comprehensive Plan Designation of this property is: Medium density residential

Please provide a statement fully describing your request for a Comprehensive Plan Amendment. What conditions have changed in the area to cause the need to amend the Comprehensive Plan? How will the requested amendment address those changes?

Due to the demand for residential housing and the existence of other residential neighborhoods in the area, this in-fill property seems best suited for residential use

APPLICANT'S CHECKLIST

In order to properly process your request for a Comprehensive Plan Amendment, please be sure to include the following material with your completed application:

- ☐ Completed and signed application, including supporting documents;
- ☐ Site Plan (11 x 17) or 8 ½ x 11) to scale;
- ☐ A correct legal description of the property;
- ☐ Filing fee payable to the City of Lewiston

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: Dan York

Date: 1/18/23

The Property Owner hereby authorizes this application:

Signature of Owner: Dan York

Date: 1/18/23

COMPREHENSIVE PLAN AMENDMENT APPLICATION PROCESS

1. The applicant submits the completed application form to the Community Development Department requesting the amendment to the Comprehensive Plan. **All materials included in the application must be provided at this time.** The representative of the Department reviews the application for completeness prior to further processing.
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.
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 Wednesdays of each month. Completed applications must be submitted approximately four (4) weeks prior to the public hearing date. You will be notified of the hearing date when you submit your application. Because the State of Idaho limits the number of times each year a municipality may amend the comprehensive plan, your hearing dates may be delayed.
3. The Community Development Department notifies all residents, by mail, within 300 feet of the property for which you are requesting the Comprehensive Plan Amendment. 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 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. You are invited to speak as well as others who wish to provide testimony whether in support or opposition of 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.
10. If the City Council approves the Comprehensive Plan Amendment request, the City Attorney prepares an Ordinance for the Council.

11. 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 Comprehensive Plan Amendment becomes final.



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: DK Holdings, LLC Date: _____
Last First M.I.

Address: 247 Thain Rd. Ste 107 Apartment/Unit # _____
Street Address
Lewiston ID 83501
City State ZIP Code

Phone: 208/798-5000 Email _____

Property Owner: DK Holdings, LLC Phone: 208/798-5000

Property Owner Mailing Address: 247 Thain Rd. Ste 107, Lewiston, ID 83501

DESCRIPTION OF PROPERTY

Street Address of Subject Property: North of Airway Ave. / East of 18th St.

Subdivision Name: Canyon Crest South

Block: Lewiston Orchards Tract No. 12 Lot: Ninety Seven (97) Lots 3 & 4

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

NATURE OF REQUEST

Change **FROM** Zone District: R1 Suburban Res. **TO** Zone District: R3 Medium Density

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 Comp. Plan Designation for subject property is Low Density Residential as well as the property to the South and the West. The requested zoning classification of R3 Medium Density is similar to the developed PUD property to the North, particularly the single family lots (60' wide) North of and Granting Clearview Point Drive, the first East/West street North of subject property

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.

This property seems best suited for R3 residential. It matches with the existing subdivision and surrounding properties.

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

The develop will integrate nicely with the rest of the area.

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

According to the master plan this change seems complementary

to what is planned for the area. Public utilities are capable of handling

the proposed.

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 development is planned to happen in phases with about 25 lots

a year ready for homes. 15 to 20 homes are planned to be built

and occupied. That translates to several years for the total build out

allowing integration with the valley to happen at a comfortable pace.

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).

N/A

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: *Dan Young* Date: 1/18/23

The Property Owner hereby authorizes this application:

Signature: *Dan Young* Date: 1/18/23

**** 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.

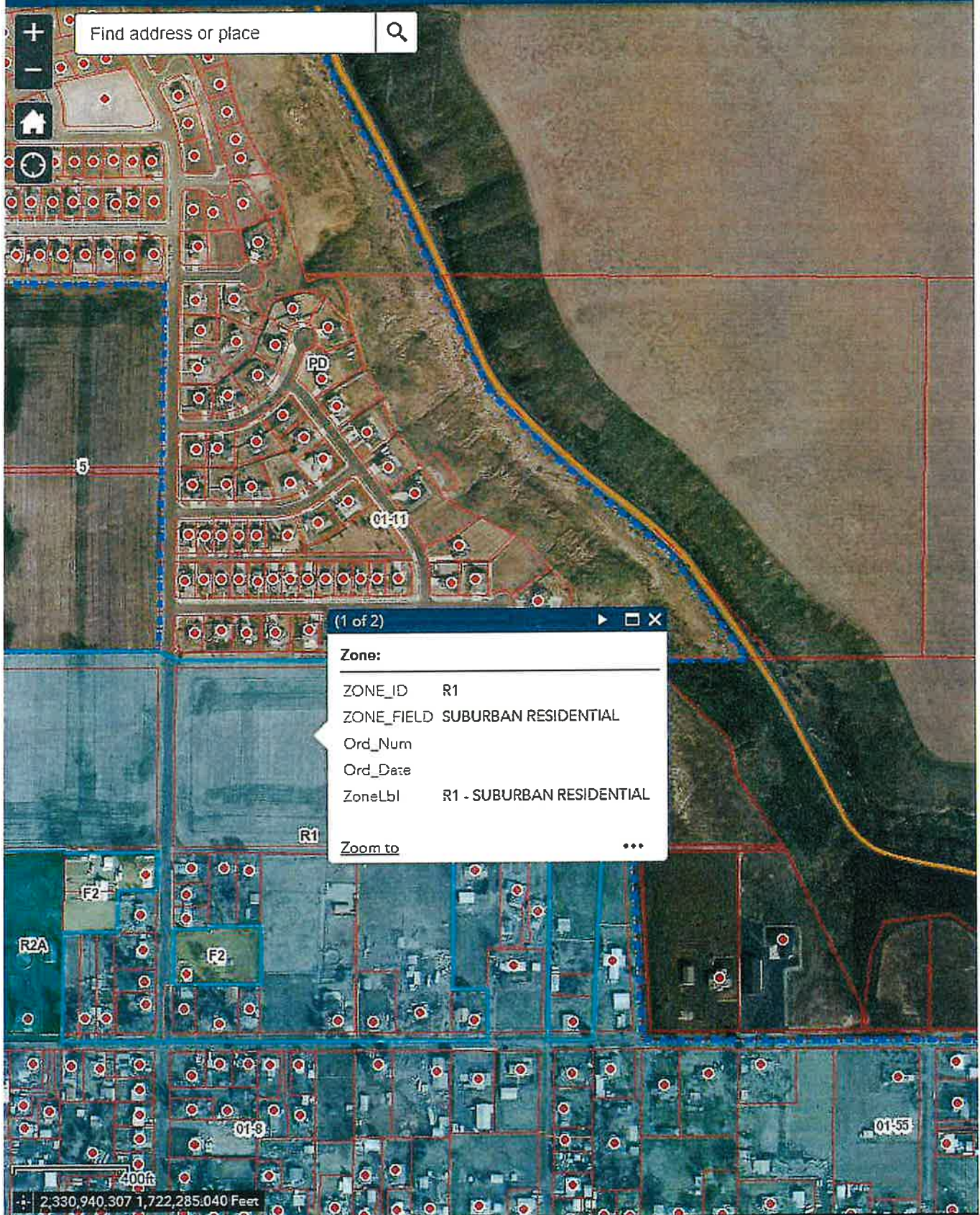
2. The Community Development Department sets the public hearing date for the application according to the public hearing schedule. The Planning and Zoning Commission holds public hearings on the second and fourth Wednesday of each month. The Commission will make a recommendation on a zone change application 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 1/2" x 11") to scale



Find address or place



(1 of 2)

Zone:

ZONE_ID R1
ZONE_FIELD SUBURBAN RESIDENTIAL
Ord_Num
Ord_Date
ZoneLbl R1 - SUBURBAN RESIDENTIAL

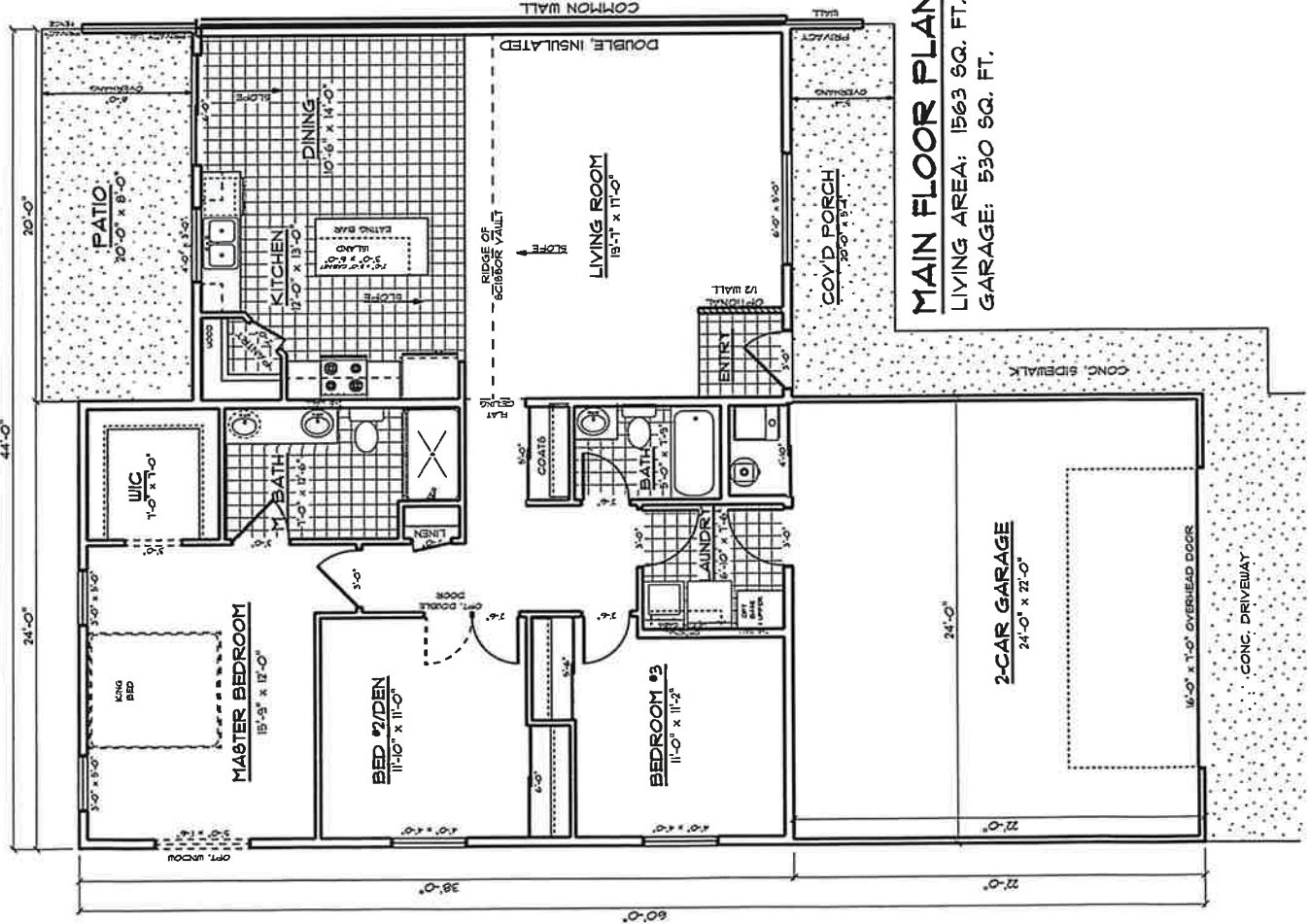
Zoom to





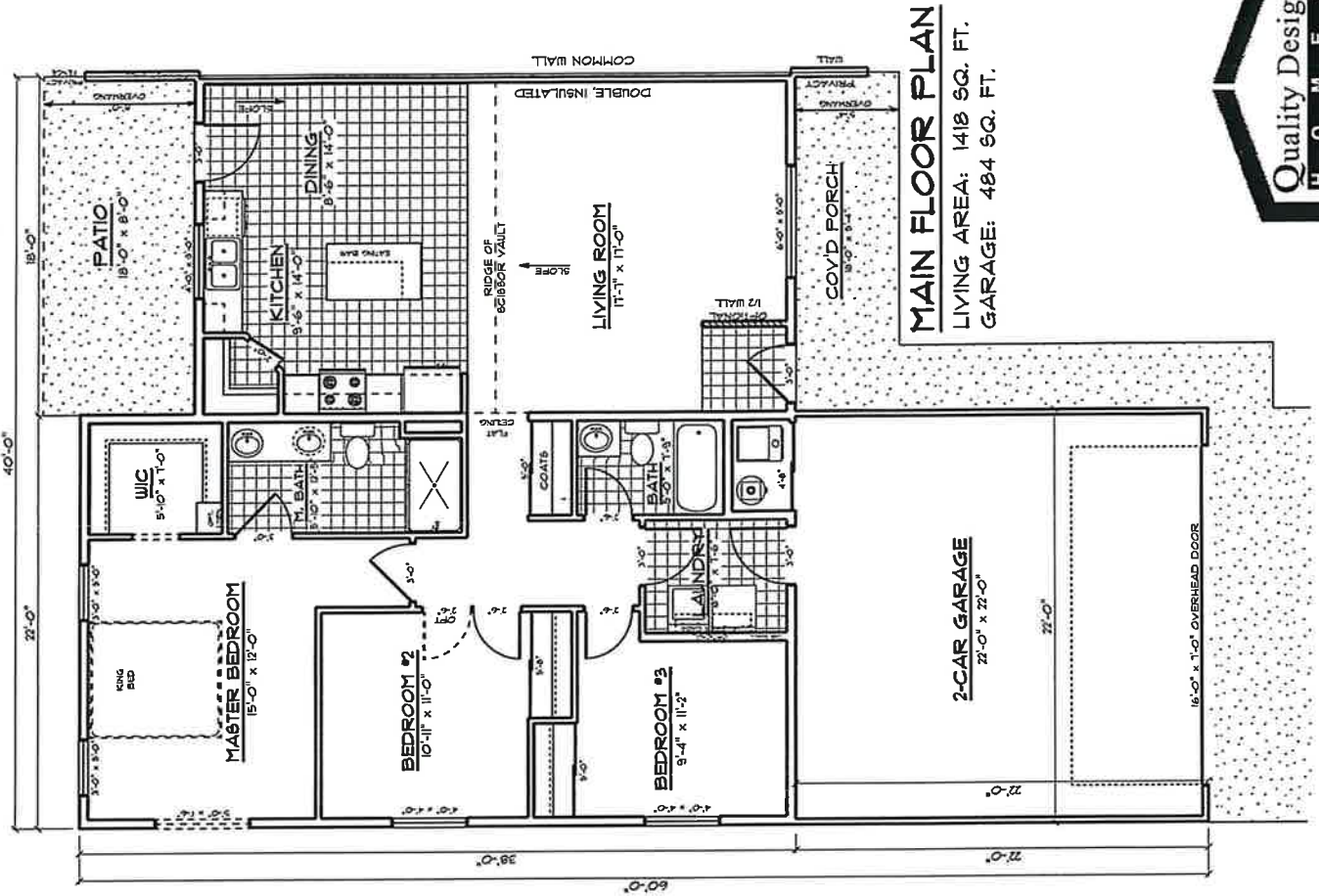
APPLESIDE

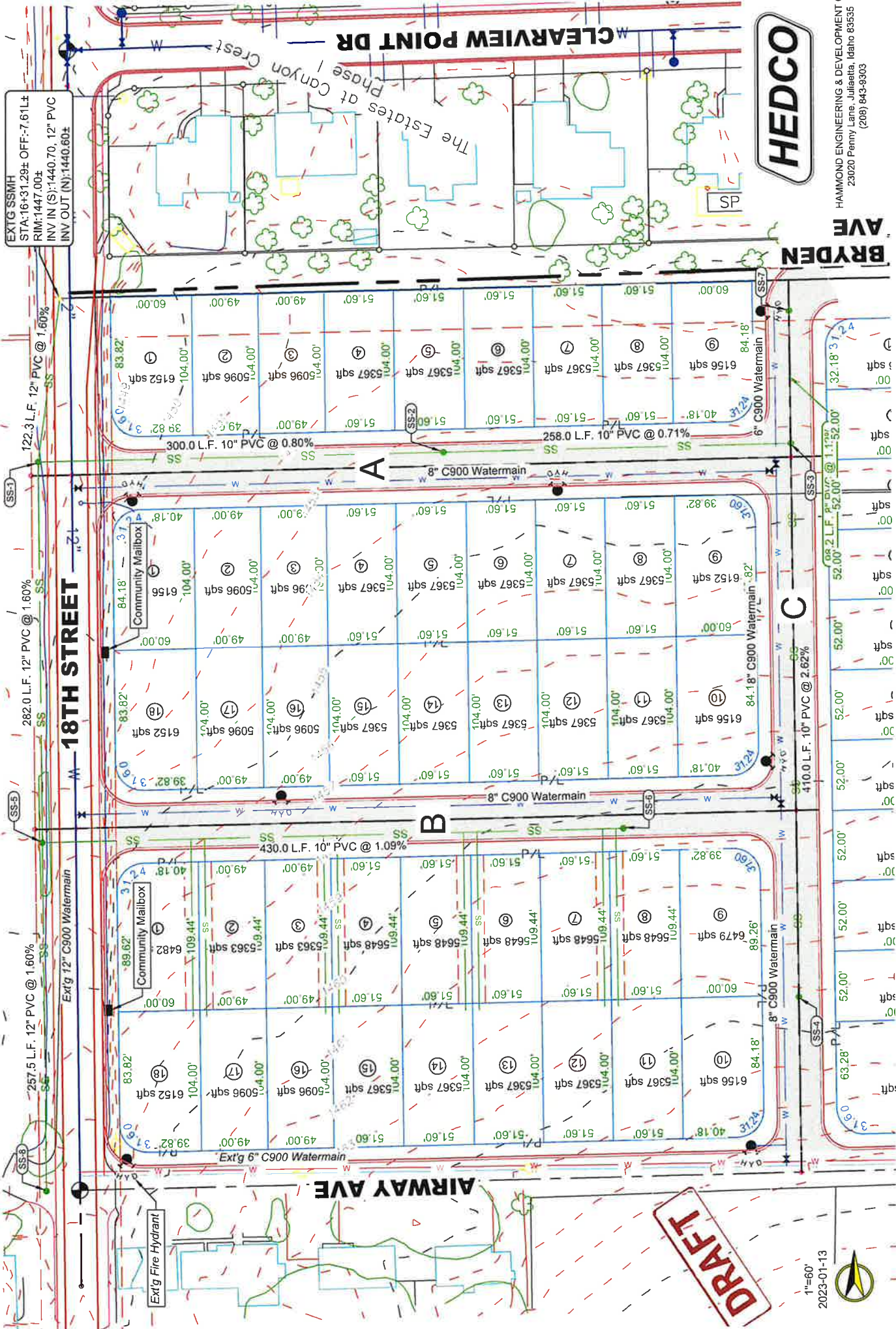
"A" UNIT (1563 SQ. FT.)



TOWNHOMES

"B" UNIT (1418 SQ. FT.)





HEDCO

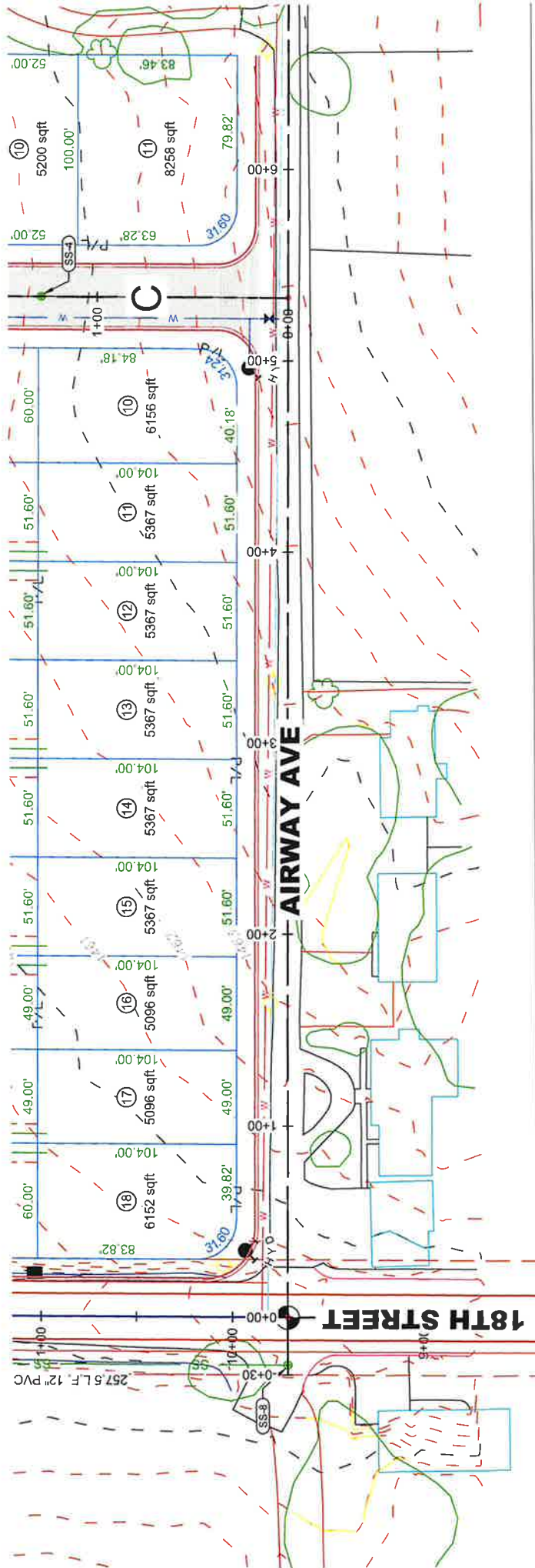
HAMMOND ENGINEERING & DEVELOPMENT
23020 Penny Lane, Juliaetta, Idaho 83535
(208) 843-9303

EXT'G SSMH
STA: 16+31.29± OFF: 7.6' L+
RIM: 1447.00±
INV IN (S): 1440.70, 12" PVC
INV OUT (N): 1440.60±

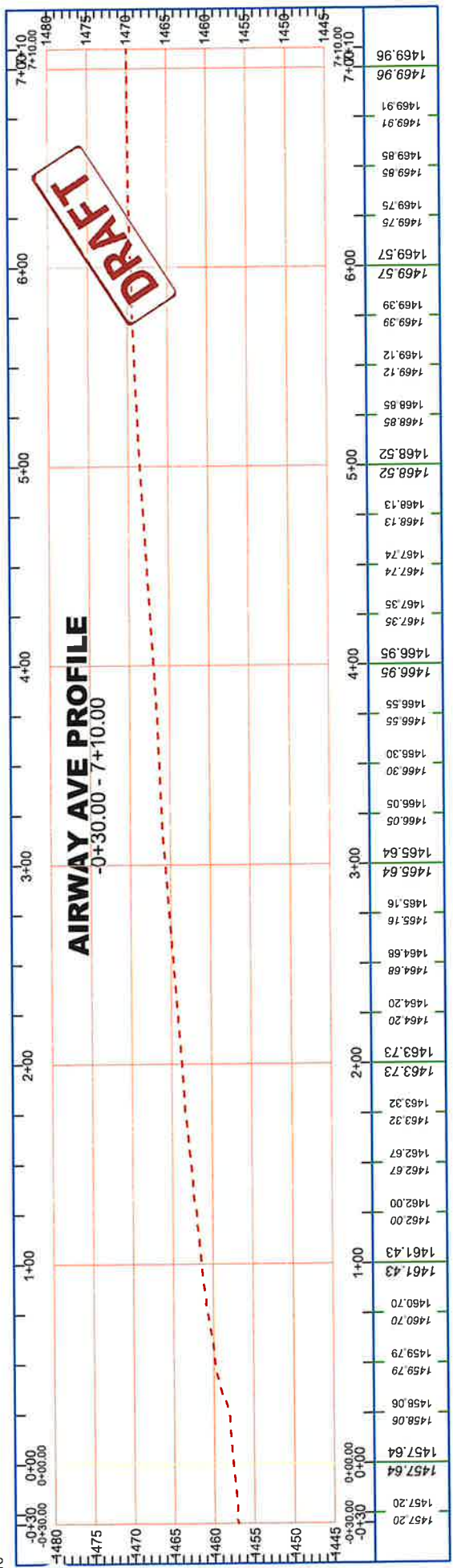
DRAFT

1"=60'
2023-01-13

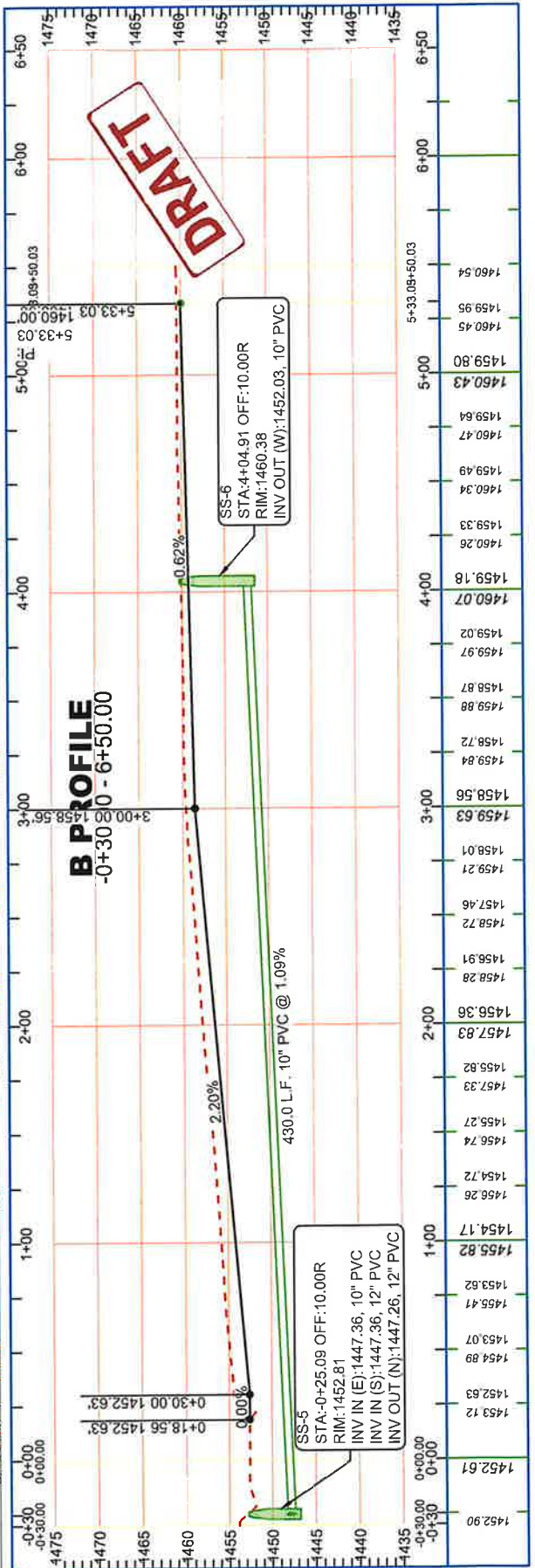
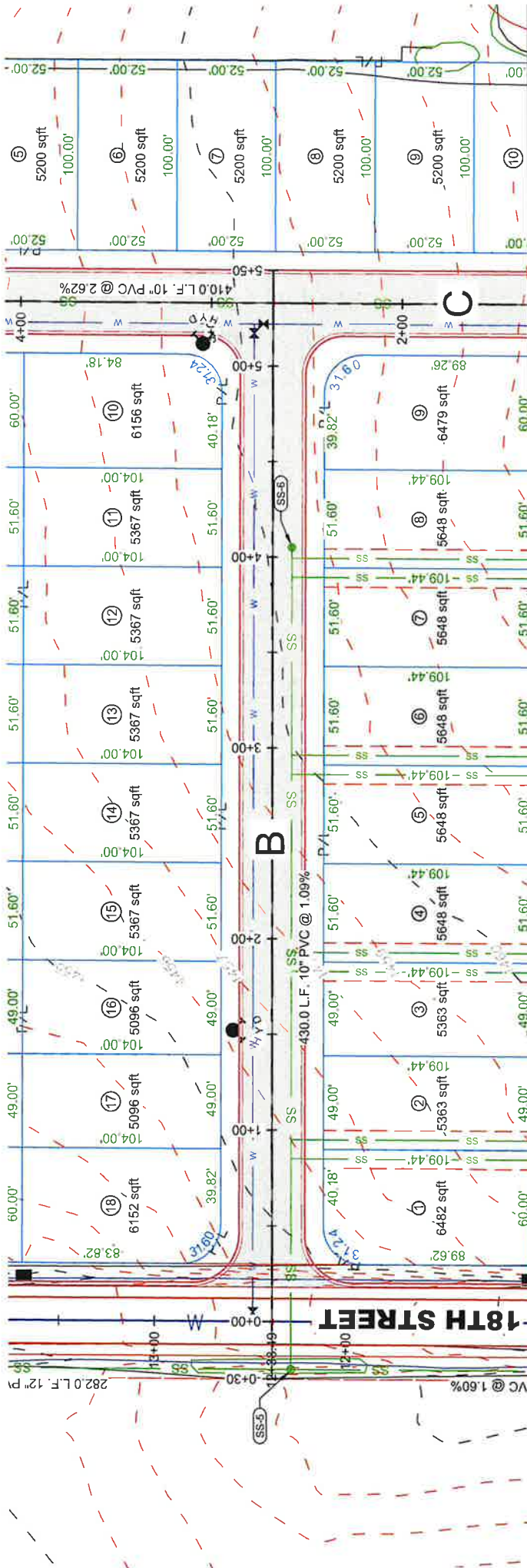




1"=50'
2023-01-16



1"=10'



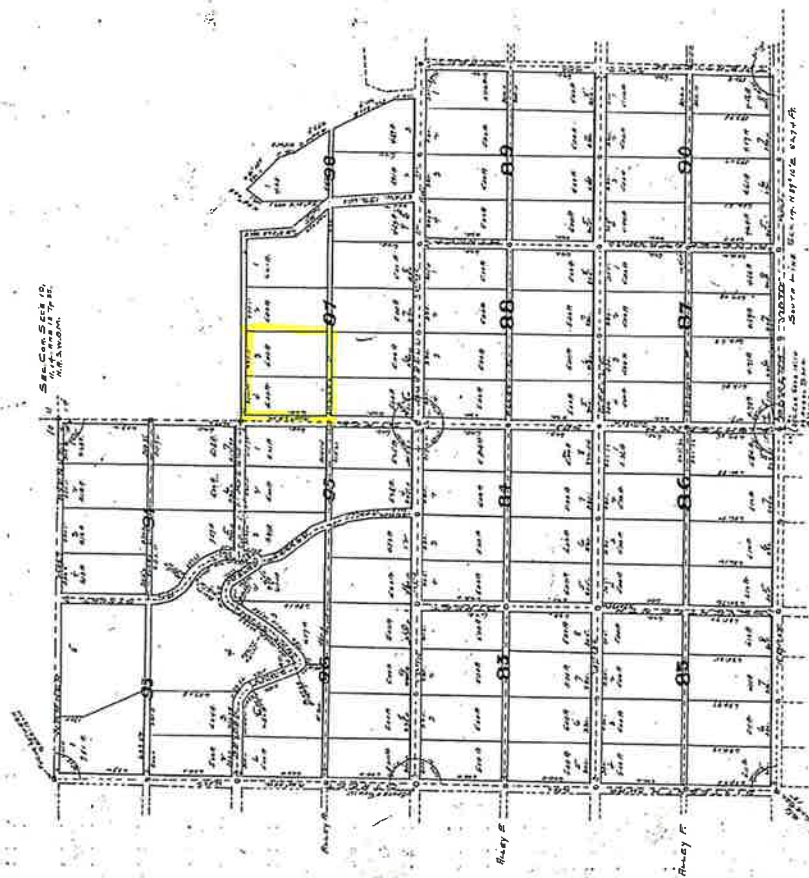
1"=50'
2023-01-13



EGJFG

CASI 33A

45. WEST 14 BLOCKS
Levinson orchards Tract #12



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 FEBRUARY 22, 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 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:

APPLICATIONS CPA23-000002, ZNC23-000002 BY DK HOLDINGS LLC: The applicant proposes to amend the Comprehensive Plan Land Use Designation from Low Density Residential to Medium Density Residential and rezone from Suburban Residential, R1, Zone to Medium Density Residential, R3, Zone, the tax parcel RPL0097003000A, consisting of 8.96 acres and generally located east of 18th Street, north of Airway Avenue and south of unimproved Bryden Avenue.

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 February 06, 2023 and 39 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.

OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
BASILICO, LINDA		1810 CLEARVIEW POINT DR	LEWISTON	ID	83501
BECKER LIVING TRUST	BECKER, ROBERT	1817 CLEARVIEW POINT DR	LEWISTON	ID	83501
BOSTON, BRENDA &	BOSTON, BILL	1823 AIRWAY AVE	LEWISTON	ID	83501
BRODIE JAMES R FAMILY TRUST		1801 CLEARVIEW POINT	LEWISTON	ID	83501
CAHILL, JACOB &	CAHILL, CHRISTINA	3432 14TH STREET C	LEWISTON	ID	83501
CANYON CREST ESTATES HOA INC		PO BOX 24	LEWISTON	ID	83501
DAMMON, BARRY		3427 18TH ST	LEWISTON	ID	83501
DANCY, KRISTIN &	DANCY, MICHAEL	1830 CLEARVIEW POINT DR	LEWISTON	ID	83501
DAVISON, ARIEL &	DAVISON, DEE	1821 CLEARVIEW POINT	LEWISTON	ID	83501
DK HOLDINGS LLC		247 THAIN RD STE 107	LEWISTON	ID	83501
DODSON, ETHEL		3430 18TH ST	LEWISTON	ID	83501
EIKUM, JEROME &	EIKUM, CINDIE	1816 CLEARVIEW POINT DR	LEWISTON	ID	83501
ERICKSON, JASON		1825 CLEARVIEW POINT DR	LEWISTON	ID	83501
HOBDEY, ALAN &	HOBDEY, DEBBIE	3425 18TH ST	LEWISTON	ID	83501
HOLMLUND, CYNTHIA &	HOLMLUND, NATHAN	PO BOX 1066	LEWISTON	ID	83501
HOLTHAUS, CATHERINE		1811 CLEARVIEW POINT DR	LEWISTON	ID	83501
HULETT, JOE &	LINDQUIST-HULETT, PATRICIA	1807 CLEARVIEW POINT DR	LEWISTON	ID	83501
KETCHAM, RONALD &	KETCHAM, BESSIE	1809 CLEARVIEW POINT DR	LEWISTON	ID	83501
LAVANCE, MARTHA		1810 AIRWAY AVE	LEWISTON	ID	83501
LEMANSKI, RYAN &	LEMANSKI, LINDSAY	1822 CLEARVIEW POINT DR	LEWISTON	ID	83501
LIND, DOUGLAS &	LIND, JULIE	1828 CLEARVIEW POINT DR	LEWISTON	ID	83501
LOWARY, JERRENE &	LOWARY, LESLIE	1812 CLEARVIEW POINT DR	LEWISTON	ID	83501
MCPHERSON, DOUGLAS		1813 CLEARVIEW POINT DR	LEWISTON	ID	83501
MOHR, GORDON		3424 18TH ST	LEWISTON	ID	83501
OHARRA, JOHNNIE &	OHARRA, LORI	1804 CLEARVIEW POINT DR	LEWISTON	ID	83501
PRATT, JERE &	PRATT, KATHLEEN	1819 CLEARVIEW POINT DR	LEWISTON	ID	83501
RAVARY, CAROLYN		1815 CLEARVIEW POINT DR	LEWISTON	ID	83501
RELAND, JAMES &	RELAND, JANETTE	3433 18TH ST	LEWISTON	ID	83501
RUDDLE, LORI		1823 CLEARVIEW POINT DR	LEWISTON	ID	83501
SCHUMACHER, WILLIAM &	SCHUMACHER, SHELLI	1802 AIRWAY AVE	LEWISTON	ID	83501
SCHWARTZ, JOHN &	SCHWARTZ, JEANETTE	1824 CLEARVIEW POINT DR	LEWISTON	ID	83501
SPENCER, WILLIAM II &	ZWIESLER, JOANN	1827 BURRELL AVE	LEWISTON	ID	83501
STEELE, BRIAN &	STEELE, DIANA	PO BOX 1577	LEWISTON	ID	83501
TAYLOR, JUD		PO BOX 1630	LEWISTON	ID	83501
THELEN JERI ANN REVOC LIV TST&	THELEN, KELLY	1806 CLEARVIEW POINT DR	LEWISTON	ID	83501
THOMAS, TAMMI		21805 CLEARWATER RIDGE DR	JULIAETTA	ID	83535
WALSH, JAMES &	WALSH ANNE LIVING TRUST	PO BOX 211	WAITSBURG	WA	99361
WICKIZER, WADE &	WICKIZER, HANNAH &	1806 AIRWAY AVE	LEWISTON	ID	83501
ZEMAN, MARK		3432 18TH ST	LEWISTON	ID	83501





PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 2/7/2023

Case File Number: CPA23-000002, ZNC23-000002

Applicant:

DK Holdings, LLC
247 Thain Road #107
Lewiston, ID 83501

Property Owner:

DK Holdings, LLC
247 Thain Road #107
Lewiston, ID 83501

Site Location:

8.96 acres generally located east of 18th Street, north of Airway Avenue and south of unimproved Bryden Avenue, and also known as tax parcel RPL0097003000A.

Request/Proposal: The applicant proposes to amend the Comprehensive Plan Land Use Designation of the subject property from Low Density Residential to Medium Density Residential and rezone from Suburban Residential, R1, Zone to Medium Density Residential, R3, Zone.

Subject Property and Surrounding Land Uses: The subject property is 8.96 acres of vacant land that the applicant plans to subdivide into 56 building lots, if this rezone application is approved. Properties to the north are single family dwellings located in a Planned Unit Development, property to the west is vacant land, properties to the east are a mix of single family dwelling, newly subdivided building lots and vacant land and properties to the south are single family dwellings.

CPA23-000002, ZNC23-000002

Related Or Other Pending Discretionary Actions:

A subdivision application will be required if this rezone application is approved. The Planning & Zoning Commission will review the preliminary plat for recommendation to City Council.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

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TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING
67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN. (a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing scheduled by the commission. Following the commission hearing, if the commission recommends a material change to the proposed amendment to the plan which was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the governing board will not conduct a subsequent public hearing concerning the proposed amendment. If the governing board will conduct a subsequent public hearing, notice of the planning and zoning commission recommendation shall be included in the notice of public hearing provided by the governing board. A record of the hearings, findings made, and actions taken by the commission shall be maintained by the city or county.

(b) The governing board, as provided by local ordinance, prior to adoption, amendment, or repeal of the plan, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission. Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.

(c) No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted,

amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk.

(d) Any person may petition the commission or, in absence of a commission, the governing board, for a plan amendment at any time, unless the governing board has established by resolution a minimum interval between consideration of requests to amend, which interval shall not exceed six (6) months. The commission may recommend amendments to the comprehensive plan and to other ordinances authorized by this chapter to the governing board at any time.

History:

[67-6509, added 1975, ch. 188, sec. 2, p. 515; am. 1992, ch. 269, sec. 3, p. 832; am. 1999, ch. 396, sec. 5, p. 1103; am. 2010, ch. 253, sec. 1, p. 643; am. 2014, ch. 93, sec. 5, p. 256.]

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6511. ZONING ORDINANCE. (1) Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section [67-6509](#), Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.

(a) Within a zoning district, the governing board shall where appropriate establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.

(b) Within an overlay zoning district, the governing board shall establish clear and objective standards for the overlay zoning district while ensuring that application of such standards does not constitute a regulatory taking pursuant to Idaho or federal law.

(2) Ordinances establishing zoning districts shall be amended as follows:

(a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner's lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section [67-8003](#), Idaho Code, consistent with the requirements established thereby.

(b) After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section [67-6509](#), Idaho Code, provided that in the case of a zoning district boundary change, and notwithstanding jurisdictional boundaries, additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being

considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site. Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings before a planning commission, planning and zoning commission or governing board subject to applicable procedures.

(c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section [67-6509](#), Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.

(d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.

History:

[67-6511, added 1975, ch. 188, sec. 2, p. 515; am. 1983, ch. 121, sec. 1, p. 314; am. 1985, ch. 141, sec. 1, p. 384; am. 1987, ch. 329, sec. 1, p. 688; am. 1992, ch. 269, sec. 4, p. 833; am. 1999, ch. 396, sec. 8, p. 1105; am. 2003, ch. 142, sec. 1, p. 411; am. 2011, ch. 89, sec. 3, p. 194; am. 2013, ch. 216, sec. 1, p. 507.]

SUBURBAN RESIDENTIAL ZONE R-1

Sec. 37-18. R-1 Suburban Residential Zone. SHARE

(a) *Purpose:* To provide for agricultural or transitional area for suburban residential uses. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 6, 10-25-99)

Sec. 37-19. Uses permitted outright.

In an R-1 Zone, the following uses and their accessory uses are permitted outright, subject to the provisions of Article IV:

- (1) Bed and breakfast facilities, subject to the special conditions of section [37-13.1](#)(1) of this code;
- (2) Church, subject to the special conditions of section [37-20.1](#)(2) of this code;
- (3) Class A manufactured home;
- (4) Commercial uses legally established as of December 31, 2004, and which have maintained a valid business and occupation permit;
- (5) Family day care, subject to the special conditions of section [37-13.1](#)(2) of this code;
- (6) General farming, except feedlots;
- (7) Mortuary, subject to the special conditions of section [37-20.1](#)(1) of this code;
- (8) Park, subject to the special conditions of section [37-20.1](#)(4) of this code;
- (9) School, subject to the special conditions of section [37-20.1](#)(3) of this code;
- (10) Single-family dwelling;
- (11) Two-family dwelling. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 7, 10-25-99; Ord. No. 4385, § 1, 2-14-05; Ord. No. 4398, § 6, 1-9-06; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4675, § 1, 11-28-16)

Sec. 37-20. Conditional uses permitted.

In an R-1 Zone the following uses and their accessory uses are permitted when authorized in accordance with the standards and requirements in Articles IV and IX:

- (1) *Repealed by Ord. No. 4742.*
- (2) Class B manufactured home;
- (3) Day care center, subject to the special conditions of section [37-20.1](#)(5) of this code;
- (4) Group day care, subject to the special conditions of section [37-13.1](#)(3) of this code;
- (5) Intensification, or expansion of commercial uses of ten (10) percent of the building area or more which were legally established and licensed for business and occupation;

(6) Manufactured home park, subject to the requirements of Chapter [23](#) of this code, with a minimum area of two (2) acres and a maximum density of five and eight-tenths (5.8) units per acre;

(7) Noncommercial kennel, subject to commercial kennel standards of section [37-163](#)(15) of this code;

(8) Preschool, subject to the special conditions of section [37-20.1](#)(6) of this code;

(9) 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;

(10) Re-establishment of a commercial use which was legally established but where the business and occupation license has lapsed for a period not to exceed one (1) year;

(11) Replacement of a nonconforming commercial use located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to standards of section [37-163](#)(17) of this code;

(12) Replacement of a nonconforming residential use not located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to setback and yard requirements of the R-2 Zone;

(13) 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. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 8, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4385, § 2, 2-14-05; Ord. No. 4398, § 7, 1-9-06; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4675, § 2, 11-28-16; Ord. No. 4742, § 2E, 8-19-19; Ord. No. 4799, § 2, 3-8-21)

Sec. 37-20.1. Special conditions. SHARE

(1) *Mortuary.*

(a) The size of the site is shown to be reasonable for the intended use.

(b) Access to the site meets all applicable ordinances.

(c) The abutting/adjacent properties will not otherwise be adversely affected.

(d) A site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.

(e) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners

and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(2) *Church.*

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Access to the site meets all the applicable ordinances.
- (c) The abutting/adjacent properties will not otherwise be adversely affected.
- (d) A church may exceed the height limitations of the zone in which it is located to a maximum of fifty (50) feet, if the total floor area of the building does not exceed one and one-half (1-1/2) times the area of the site and if the yard dimensions in each case are equal to at least two-thirds (2/3) of the height of the principal structure.
- (e) Site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.
- (f) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(3) *School.*

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Access to the site meets all applicable ordinances.
- (c) The surrounding property will not otherwise be adversely affected.
- (d) Site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.
- (e) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development

department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(4) Park.

(a) Site development plan is submitted for review and approval to the Lewiston parks and recreation manager; subsequent development shall be in substantial conformance with the approved development plan.

(b) The site development plan shall be shown to be in substantial compliance with the park and open space master plan.

(5) Day care center, thirteen (13) children or over.

(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.

(e) Off-street parking and pick-up/drop-off area shall be provided.

(6) Preschool.

(a) Approval of a conditional use permit from the planning and zoning commission is required. This requires a public hearing before the planning and zoning commission.

(b) A business license is required, including a criminal history check for all employees, volunteers and people over twelve (12) years of age living on the premises.

(c) Compliance with state regulations, Uniform Building Codes and city standards is required.

(d) The size of the site is shown to be reasonable for the intended use.

(e) Parking and access to the site meet all applicable ordinances.

(f) The surrounding property will not otherwise be adversely affected. (Ord. No. 4249, § 9, 10-25-99; Ord. No. 4351, § 3, 3-15-04; Ord. No. 4692, § 11, 10-30-17)

Sec. 37-21. Lot size. SHARE

In an R-1 Zone, the lot size shall be as follows:

- (1) For a single-family dwelling, the minimum lot area shall be ten thousand (10,000) square feet, subject to sections [32-45\(f\)\(1\)](#) and [36-103](#) of this code.
- (2) For a two-family dwelling, the minimum lot area shall be fifteen thousand (15,000) square feet, subject to sections [32-45\(f\)\(1\)](#) and [36-103](#) of this code.
- (3) Lot width shall be a minimum of seventy (70) feet.
- (4) Lot depth shall be a minimum of one hundred (100) feet. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4381, § 1, 1-24-05; Ord. No. 4531, § 2, 7-13-09; Ord. No. 4676, § 2, 11-28-16)

Sec. 37-22. Yards. SHARE

Except as provided in Article VIII, in an R-1 Zone yards shall be as follows:

- (1) A front yard shall be a minimum of twenty (20) feet or thirty-five (35) feet from the centerline of the street, whichever is greater.
- (2) A side yard shall be a minimum of ten (10) feet, except that on a corner lot the side yard on the street side 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.
- (4) Duplex dwelling units constructed as a use permitted outright in this zone and constructed so as to share a common or adjoining side wall shall be allowed to legally split into two (2) minimum seven thousand five hundred (7,500) square foot lots provided the front and rear setbacks are in compliance with this chapter and the side yard opposite the zero lot line shall be a minimum of twenty (20) feet. In no case shall the minimum width of the zero lot line lot be less than sixty (60) feet nor the depth less than one hundred (100) feet. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-23. Lot coverage. SHARE

Buildings shall not cover more than forty (40) percent of the lot. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-24. Height of buildings. SHARE

In an R-1 Zone, the buildings shall not exceed a height of thirty-five (35) feet. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-25. Reserved.

 SHARE

Editor's note – Ord. No. 4216, § 1, adopted Aug. 10, 1998, repealed § 37-25, relative to signs permitted in the R-1 Zone, which derived from Ord. No. 4108, § 2, adopted Aug. 15, 1994.

MEDIUM DENSITY RESIDENTIAL ZONE R-3

Sec. 37-42. R-3 Medium Density Residential Zone.

 SHARE

(a) *Purpose*: To provide land for the development of multifamily dwellings and to provide an orderly transition from more intensive, high density uses to less intensive, lower density uses. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 16, 10-25-99)

Sec. 37-43. Uses permitted outright.

 SHARE

In an R-3 Zone the following uses and their accessory uses are permitted outright subject to the provisions of Article IV:

- (1) Bed and breakfast facilities, subject to the special conditions of section [37-13.1](#)(1) of this code;
- (2) Church, subject to the special conditions of section [37-20.1](#)(2) of this code;
- (3) Class A manufactured home;
- (4) Commercial uses legally established as of December 31, 2004, and which have maintained a valid business and occupation permit;
- (5) Family day care, subject to the special conditions of section [37-13.1](#)(2) of this code;
- (6) Intermediate term care facility, subject to the special conditions of section [37-44.1](#)(1) of this code;
- (7) Long-term care facility, subject to the special conditions of section [37-44.1](#)(2) of this code;
- (8) Mortuary, subject to the special conditions of section [37-20.1](#)(1) of this code;
- (9) Multifamily dwelling, meeting the standards of section [37-124.1](#) of this code;
- (10) Park, subject to the special conditions of section [37-20.1](#)(4) of this code;
- (11) School, subject to the special conditions of section [37-20.1](#)(3) of this code;
- (12) Single-family dwelling;
- (13) Two-family dwelling;
- (14) Small lot development subject to the requirements of section [37-33](#), standards for small lot development. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4161, § 5, 7-1-96; Ord. No. 4249,

CPA23-000002, ZNC23-000002

§ 17, 10-25-99; Ord. No. 4385, § 7, 2-14-05; Ord. No. 4386, § 2, 2-14-05; Ord. No. 4433, § 4, 1-9-06; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4531, § 4, 7-13-09; Ord. No. 4656, § 10, 3-28-16; Ord. No. 4676, § 14, 11-28-16)

Sec. 37-44. Conditional uses permitted. SHARE

In an R-3 Zone the following uses and their accessory uses are permitted when authorized in accordance with the standards and requirements in Articles IV and IX:

- (1) *Repealed by Ord. No. 4742.*
- (2) Day care center, subject to the special conditions of section [37-20.1](#)(5) of this code;
- (3) Dormitory, subject to the special conditions of section [37-44.1](#) of this code;
- (4) Group day care, subject to the special conditions of section [37-13.1](#)(3) of this code;
- (5) Intensification, or expansion of commercial uses of ten (10) percent of the building area or more which were legally established and licensed for business and occupation;
- (6) Noncommercial kennel, subject to the commercial kennel standards of section [37-163](#)(15) of this code;
- (7) Preschool, subject to the special conditions of section [37-20.1](#)(6) of this code;
- (8) 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;
- (9) Re-establishment of a commercial use which was legally established but where the business and occupation license has lapsed for a period not to exceed one (1) year;
- (10) Replacement of a nonconforming residential use not located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to setback and yard requirements of the R-2 Zone;
- (11) 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. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 18, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4385, § 8, 2-14-05; Ord. No. 4386, § 3, 2-14-05; Ord. No. 4531, § 4, 7-13-09; Ord. No. 4742, § 2I, 8-19-19; Ord. No. 4799, § 7, 3-8-21)

Sec. 37-44.1. Special conditions. SHARE

- (1) *Intermediate care facility.*
 - (a) The size of the site is shown to be reasonable for the intended use.
 - (b) Access to the site meets all applicable ordinances.

(c) The surrounding property will not otherwise be adversely affected.

(2) *Long-term care facility.*

(a) The size of the site is shown to be reasonable for the intended use.

(b) Parking and access to the site meets all applicable ordinances.

(c) The surrounding property will not otherwise be adversely affected.

(3) *Dormitory.*

(a) Dormitories with twelve (12) occupants or more shall have on-site management.

(b) Buildings shall be designed with the following security measures:

1. Interior access to each room;
2. Controlled access beyond the lobby and to individual floors;
3. Manager's name and contact information posted in clear view in the lobby.

(c) Dumpsters shall be located inside the building or placed no closer than fifteen (15) feet from any property line adjacent to residentially zoned property. (Ord. No. 4249, § 19, 10-25-99; Ord. No. 4386, § 6, 2-14-05)

Sec. 37-45. Lot size.

In an R-3 Zone, the minimum lot size shall be as follows:

(1) Lot area shall be a minimum of six thousand (6,000) square feet plus an additional two thousand five hundred (2,500) square feet for each dwelling unit over one (1).

(2) Lot width shall be a minimum of sixty (60) feet.

(3) Lot depth shall be a minimum of eighty (80) feet. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4531, § 4, 7-13-09; Ord. No. 4676, § 15, 11-28-16)

Sec. 37-46. Yards.

Except as provided in Article VIII, in an R-3 Zone minimum yard requirements shall be as follows:

(1) A front yard shall be a minimum of twenty (20) feet or thirty-five (35) feet from the centerline of the street, whichever is greater.

(2) A side yard shall be a minimum of five (5) feet and the total of both side yards shall be a minimum of fifteen (15) feet, except that on corner lots the side yard on the street side shall

be a minimum of fifteen (15) feet from the property line or thirty-five (35) feet from the centerline of the street, whichever is greater.

(3) A rear yard shall be a minimum of twenty (20) feet.

(4) Side and rear yards shall be increased by one (1) foot for each foot by which a building exceeds a height of thirty-five (35) feet. A front yard shall be increased by one (1) foot for each two (2) feet by which a building exceeds thirty-five (35) feet.

(5) Two-family dwelling units constructed as a use permitted outright in this zone and constructed so as to share a common or adjoining side wall shall be allowed to legally split into two (2) minimum five thousand (5,000) square foot lots, provided the front and rear setbacks are in compliance with this chapter and the side yard opposite the zero lot line shall be a minimum of fifteen (15) feet. In no case shall the minimum width of the zero lot line lot be less than fifty (50) feet nor the depth less than eighty (80) feet. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4676, § 16, 11-28-16)

Sec. 37-47. Lot coverage. SHARE

In an R-3 Zone, buildings shall not cover more than fifty (50) percent of the lot. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4676, § 17, 11-28-16)

Sec. 37-48. Height of buildings. SHARE

In an R-3 Zone, no building shall exceed a height of forty-five (45) feet. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-49. Reserved. SHARE

Editor's note – Ord. No. 4216, § 1, adopted Aug. 10, 1998, repealed § 37-49, relative to signs permitted in the R-3 Zone, which derived from Ord. No. 4108, § 2, adopted Aug. 15, 1994.

Sec. 37-33. Small lot development or zero lot line development. SHARE

(a) *Lot size.*

(1) For a single-family dwelling, the minimum lot area shall be four thousand (4,000) square feet;

(2) For a two-family dwelling, the minimum lot area shall be six thousand five hundred (6,500) square feet;

(3) Lot dimensions shall be a minimum of forty (40) feet and sixty-five (65) feet, with either dimension serving as lot width or lot depth, so long as both dimensions are met; provided, however, the minimum lot width for a lot street frontage that is a street curve radius only shall be thirty (30) feet, or twenty (20) feet if adjacent to a shared driveway evidenced by a recorded easement with the neighboring lot.

(b) *Yards.* Except as provided in section [37-156](#) of this code, the minimum yard requirements shall be as follows:

(1) A front yard shall be a minimum of ten (10) feet or twenty-five (25) feet from the centerline of the adjacent street, whichever is greater, except a front yard for a garage or carport shall be a minimum of twenty (20) feet.

(2) A side yard shall be:

a. Zero (0) feet for the common wall of a single-family dwelling that is attached to another single-family dwelling where the common wall is also a property line established by the subdivision platting process of Chapter [32](#) of this code, Subdivisions; or

b. A minimum of five (5) feet, except (i): on corner lots the street side yard shall be a minimum of ten (10) feet or twenty-five (25) feet from the centerline of the adjacent street, whichever is greater; and (ii) for a garage or carport, a side yard shall be a minimum of twenty (20) feet.

(3) A rear yard shall be a minimum of twenty (20) feet except when one (1) side yard is at least twenty (20) feet, the rear yard may be reduced to ten (10) feet.

(c) In small lot development, buildings shall not cover more than sixty (60) percent of the lot.

(d) *Standards.*

(1) One (1) detached garage, carport, or storage building shall be allowed, so long as such detached garage, carport, or storage building does not exceed four hundred eighty-four (484) square feet; does not exceed sixteen (16) feet in height; and is not located closer to a street right-of-way than the house, unless on a flag lot or on the street side of a corner lot. No other detached accessory buildings are allowed, unless they do not exceed one hundred twenty (120) square feet.

(2) Except on a flag lot, house facades fronting a street right-of-way shall have a minimum of fifteen (15) percent window area and shall include at least two (2) of the following for a minimum of twenty (20) percent of the length and/or height of the facade:

a. Color change;

b. Texture change;

c. Building material change; or

d. Incorporation of a wall plane projection or recession with the plane projection being a minimum of one (1) foot in depth and a minimum height equal to twenty-five (25) percent of the height of the wall.

(3) Primary entrances shall incorporate a front porch or other building articulation elements, such as cornices, brackets, overhangs, shutters, and window boxes, as part of the street-facing facade.

(4) Except on a flag lot, house facades fronting a street right-of-way shall not have an attached garage that exceeds seventy (70) percent of the width of the facade.

(5) Except on a flag lot, for a home with an attached garage, the garage wall with the garage door shall be recessed at least four (4) feet from the adjoining habitable space wall of the home.

(6) Except on a flag lot, all roofs shall be a hip, gable, or mansard roof with a minimum four-to-twelve (4:12) pitch with twelve (12) inch minimum eaves. Any mansard roof, except on a flag lot, shall incorporate dormers equal to at least twenty-five (25) percent of the facade area of the roof.

(7) *Street trees.* Street trees shall be planted by the developer or the lot owner in the right-of-way between the street and sidewalk, as approved by the city engineer and the city forester. The developer or the lot owner shall provide an automatic irrigation system for the street trees. The number of street trees required to be planted is one (1) per lot street frontage, except no street trees are required to be planted for lots on cul-de-sacs. Street trees shall be planted at a spacing of not less than thirty (30) feet and not greater than sixty (60) feet, unless otherwise approved by the city forester. Each lot owner shall be responsible for maintenance of the street tree(s) for his or her lot, including replacement when necessary. Street trees shall be planted for each lot prior to the approval of final inspection for the home on the lot, except when weather conditions do not allow planting of trees, which may typically occur between November 1st and March 1st. (Ord. No. 4433, § 2, 1-9-06; Ord. No. 4755, § 2, 9-9-19; Ord. No. 4835, § 1, 12-20-21)

ARTICLE XII. AMENDMENTS

Sec. 37-178. Authorization to initiate amendments. SHARE

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. SHARE

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.

SHARE

The commission shall evaluate a requested amendment to a zoning district to determine the nature and extent of the requested change. If it is in 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.

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)

Comprehensive Plan:

The subject property is located in Neighborhood 7, East Orchards, and has a Future Land Use Designation of Low Density residential, which is expected to accommodate a residential development density range of 5-8 dwelling units per acre.

Relevant statements from the Comprehensive Plan include the following:

CHAPTER 1. A VISION FOR LEWISTON IN 2020

First, people of all income groups have safe and adequate housing available; residential areas are protected from commercial incursion. A variety of housing types are provided throughout the community while respecting the development pattern of the neighborhood in which they are located.

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.

CHAPTER 6. LAND USE

GOAL (LU-1.0): To promote orderly development and arrangement of land uses throughout the community; provide ample space for future growth, ensure the compatibility of adjacent land uses and follow sound environmental planning principals.

Residential GOAL (LU-14.0): Provide for an appropriate mix of housing types in each of the City's eight planning neighborhoods. OBJECTIVES: LU-14.1: Review and revise zoning designations, as appropriate, to assure that adequate land (both developed and undeveloped) is available for both single family and multi-unit residential development. LU-14.2: Within individual neighborhoods, discourage multi-family development within established single-family developments

LU-14.3: Evaluate appropriateness of duplexes in various residential zones. Revise zoning ordinance, as necessary.

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-15.2: When desired by the property owners in a neighborhood, implement neighborhood-based design review. Develop and adopt neighborhood-specific design review criteria that reflect existing and desired development patterns.

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. OBJECTIVES: LU-17.1: Implement the Lewiston Comprehensive Transportation Plan (12/96) and the associated Capital Transportation Improvement Plan (1/98.) LU-17.2: Facilitate pedestrian and bike use in neighborhoods. LU-17.3: Create pedestrian connections to other uses within and between neighborhoods, where feasible.

GOAL (LU-18.0): Provide and maintain public services, utilities, and associated infrastructure in a cost-effective manner, by encouraging compact and contiguous growth. OBJECTIVES: LU-18.1: Establish and adopt a revised Comprehensive Land Use Map. Establish land use zones such that growth is directed to areas that are contiguous with existing development, and where services are readily available.

GOAL (LU-19.0): Where appropriate, maintain the rural character of neighborhoods in the East Orchards and the Area of City Impact.

OBJECTIVES: LU-19.1: Identify areas within neighborhoods that are rural in character. Evaluate effectiveness of zoning ordinance in maintaining that rural character. Revise zoning code as necessary.

Neighborhood Number Seven – East Orchards (from Chapter 6, Land Use)

e. Vacant Lands Vacant lands in this neighborhood consist of lands used for pasture, land otherwise unsuitable for residential development and land awaiting development. Lands used for pasture is considered as a form of land banking for future development. The Orchards was originally platted in five acre lots. Over time, these lots began developing along the street side, leaving the centers undeveloped for use as pasture or gardens. This subdivision has continued but in many cases, the property on the interior of the large parcels is now landlocked, thus providing a resource for future development should access requirements be amended to allow full development.

h Desired Futures of Neighborhood Number Seven – East Orchards

2. Public utilities are not present in all parts of this neighborhood. Code limitations preclude significant development of lands not served. a. The serving utilities should extend public utilities to the city limits to allow proper development of the vacant lands remaining.

3. The City of Lewiston does not wish to promote sprawl and the community wishes to best utilize scarce tax dollars wisely. a. Extensions of public utilities outside the corporate limits should be discouraged until the utilities within the City are utilized at a rate in excess of 75%. b. Utilities should be extended only to property abutting the city limits so it may be annexed to the city. Leapfrog service is to be avoided.

4. Residents of this neighborhood have strongly expressed a desire for the retention of animal rights. Whenever possible, preservation of animal rights should be retained especially along the extremities of the urban boundary. More intense agricultural uses and active farming within the city limits should be phased out over time to more urban uses.

5. Higher density uses are not appropriate for this neighborhood for the most part except when included within a planned unit development at which time their impact and appropriateness can be evaluated in the context of the proposed development.

10. Curb, gutter and sidewalk must be provided at and approaching schools and parks to provide safe places for children and parents to walk to these popular community locations. The City and the School District should work to promote the school/park concept to maximize the public investment in these expensive public spaces. Coordination between the school district and the city should take place on the hours of use of any joint facilities.

12. In general, streets and drainage systems in this neighborhood do not meet current standards for local or collector streets. a. Site access must be improved with streets upgraded to current city standards, appropriate to the classification of the street. b. Area drainage throughout the area must be upgraded with curb, gutter and sidewalk installed and surface or underground stormwater collection systems installed.

The Transportation Element of the Comprehensive Plan, Chapter 10, notes that 18th Street is part of the designated bicycle network (although no necessarily improved for such), has no pedestrian facilities on the stretch adjoining the subject property, and is designated as a future collector street. It also shows the subject property to be in the ½ mile school walk zone for Camelot Elementary School.

Input From Other Departments/Agencies:

From the Fire Department; “Access and water supply to comply with the IFC (International Fire Code).”

From the Engineering Division of the Public Works Department; “No objections to the zone change and comprehensive map update. Developer will follow the Traffic Impact Analysis guidelines to mitigate the traffic effects created by the proposed development. Traffic calming along 18th Street has already been identified as being important to incorporate frontage improvements.”

Analysis:

The subject property is located south of the existing Canyon Crest Estates subdivision and is currently vacant land. The current zoning of Suburban Residential, R1, has a minimum lot size of 10,000 square feet for single family residential (when connected to public sewer) and the current Comprehensive Plan Future Land Use designation is Low Density with a density level of 5-8 dwelling units per acre.

The proposed Medium Density Residential, R3, Zone has a minimum lot size of 6,000 square feet for single family residential. The proposed medium density designation in the Comprehensive Plan allows for 8-17 dwelling units per acre. The proposed R3 Zone also allows for small lot development by right, which allows for smaller lot sizes but requires design standards on all properties to create a more cohesive neighborhood feel. The city is currently under-zoned in terms of the amount of land zoned medium density residential, and it is over-zoned in terms of the amount of land zoned suburban and low density residential.

The subdivision concept plan submitted as a supplement to the rezone application contemplates 56 dwelling units (28 zero lot line, i.e. attached with a common wall, dwellings) which is a density of 6.25 units per acre. Although a medium density allows for 8-17 dwelling units per acre, that number is a gross development density, i.e. highest potential presuming no land will need to be dedicated to streets, sidewalks or stormwater detention facilities. The net density,

as presented in the proposed subdivision, is the reality of what the built environment can contain.

The adjacent Canyon Crest Estates subdivision is a Planned Unit Development (PUD) that, in its original phase, allows for a minimum lot size of 6,000 square feet. This PUD was amended in 2021 and, as part of those amendments, the minimum lot size was increased to 7500 square feet, but Small Lot Development (minimum lot size of 4,000 square feet) was allowed as a use by right with up to 50% of the remaining dwelling units allowed to follow those standards. The Canyon Crest Estates PUD will also include multi-family residential and limited commercial development in future phases, so higher intensity land uses are already planned for this area of the city.

The small lot development standards in many ways mimic those design standards seen in many of the City's existing Planned Unit Developments, requiring items such as street trees, front porches or other building articulation elements on the primary entrances, color/texture/material changes on the building facades and a minimum window area on the front of the buildings. These standards are meant to create a cohesive neighborhood feel. This type of development would have a similar look to the adjacent Canyon Crest Estates, albeit on smaller lots. There are portions of Canyon Crest Estates that do have lots with 60 foot widths, and the applicants proposed subdivision would have lots only slightly smaller, but with smaller home footprints. By utilizing standard zoning instead of a Planned Unit Development, the City can also require that streets and intersections meet current city standards.

Relevant Criteria and Standards:

See attached worksheet.

Staff Recommendation:

Staff recommends approval of CPA23-000002, and ZNC23-000002.

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CPA23-000002, ZNC23-000002



18TH ST

18TH ST

18TH ST

1806 Airway Avenue
1810 Airway Avenue

1823 Airway Avenue

1831 Airway Avenue

1804 Clearview Point Drive
1806 Clearview Point Drive
1812 Clearview Point Drive
1810 Clearview Point Drive
1816 Clearview Point Drive
1818 Clearview Point Drive
1822 Clearview Point Drive
1824 Clearview Point Drive
1830 Clearview Point Drive
1828 Clearview Point Drive

City of Lewiston
Date: 1/2/2023

Sources: Esri, HERE, Garmin, Intermap, InetMap, Inc., Japan, METI, Google, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, OpenStreetMap contributors, 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.



Author: City of Lewiston
Date: 2/15/2023

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