



**Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
September 27, 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 website at cityoflewiston.org.

I. CALL TO ORDER

II. CITIZENS COMMENTS

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

III. ACTIVE AGENDA

A. APPROVAL OF SEPTEMBER 13, 2023 MEETING MINUTES (ACTION ITEM)

- B. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR APPLICATIONS ANX23-3, CPA23-4 AND ZNC23-6 BY DK HOLDINGS LLC (ACTION ITEM):** FOR APPLICATIONS ANX23-3 AND CPA23-4 THE APPLICANT REQUEST THAT THE UNDEVELOPED APPROXIMATELY 39.62 ACRES, KNOWN AS RP000940010000 OR LOTS 1,2,3,4,5,6, AND 7 OF BLOCK 94, LEWISTON ORCHARDS TRACT NO. 12, AND GENERALLY LOCATED WEST OF 18TH STREET, NORTH OF UNIMPROVED BRYDEN AVE AND SOUTH OF CANYON CREST ESTATES, 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. FOR APPLICATION ZNC23-6, THE APPLICANT REQUESTS THAT THE ABOVE REFERENCED LAND AND THE

ADJACENT UNDEVELOPED PARCEL, TO THE SOUTH, KNOWN AS RPL00950010000 OR LOTS 1, 2, AND 3 OF BLOCK 95, LEWISTON ORCHARDS TRACT 12, AND GENERALLY LOCATED SOUTH OF UNIMPROVED BRYDEN AVE, WEST OF 18TH STREET AND NORTH OF UNIMPROVED AIRWAY AVE, CONTAINING APPROXIMATELY 14.12 ACRES, BE REZONED AND PLACED IN THE LOW DENSITY RESIDENTIAL, R2, ZONING DISTRICT AND AMENDING THE LEWISTON AREA OF CITY IMPACT MAP ACCORDINGLY.

- C. **PUBLIC HEARING ON ZONING CODE AMENDMENT, ZA-02-23 (ACTION ITEM)::** A PROPOSAL TO DELETE LEWISTON CITY CODE SECTION 37-159.1, SETBACK FROM OVERHEAD ELECTRICAL TRANSMISSION LINES. THE PLANNING AND ZONING COMMISSION WILL MAKE A RECOMMENDATION TO LEWISTON CITY COUNCIL FOR EITHER APPROVAL OR DENIAL OF THIS AMENDMENT.

IV. **STAFF-COMMISSION COMMUNICATIONS**

- A. **QUERY OF COMMISSIONERS FOR THE OCTOBER 11, 2023 MEETING.**

V. **ADJOURNMENT** - Action Item

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact the Community Development Specialist at least forty-eight (48) hours in advance of the meeting at 208-746-1318, ext. 7265.

September 13, 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.

I. CALL TO ORDER

COMMISSIONERS PRESENT: Michael Busch, Chair; Gabriel Iacoboni, Vice Chair; Kathy Branson; Maureen Anderson; Cynthia Ball

COMMISSIONERS EXCUSED: Kevin Kelly

COMMISSIONERS ABSENT: Justin Merwin

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 AUGUST 23, 2023 MEETING MINUTES (ACTION ITEM)

Commissioners Branson and Anderson moved and seconded, respectively, approval of the August 23, 2023 meeting minutes. The motion carried 5-0.

IV. APPROVAL OF 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):

Vice Chairperson Iacoboni and Commissioner Branson moved and seconded, respectively, the approval of the reasoned statement for CUP23-000003. Motion passed 5-0.

V. PRELIMINARY PLAT - CANYON CREST SOUTH ADDITION (ACTION ITEM)

City Surveyor Mark Weigand verbally summarized the request for the Planning and Zoning Commission.

Commissioners asked clarification questions to city staff.

Commissioner Branson and Anderson moved and seconded, respectively, to recommend approval of the preliminary plat for Canyon Crest South Addition contingent on approval of VA-02-2023 to the City Council. The motion carried 5-0.

VI. REVIEW OF ZONING CODE AMENDMENT ZA-01-23 TO AMEND PROVISIONS REGARDING PUBLIC HEARING, FINAL DECISIONS AND APPEALS (ACTION ITEM):

Assistant City Attorney Jennifer Tengono verbally reviewed the amendments to ZA-01-23. Planner Plaskon said staff would schedule this proposal for a Planning and Zoning Commission public hearing.

VII. COMPREHENSIVE PLAN PHASE II SURVEY:

City Planner Joel Plaskon had all Commissioners present complete the Comprehensive Plan Phase II Survey. Staff Plaskon also verbally summarized the current status and progress of the Comprehensive Plan rewrite.

VIII. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for the September 27, 2023 meeting.

All Commissioners present besides Commissioner Branson, who said she maybe able to attend remotely, stated they should be able to attend the September 27, 2023 meeting.

IX. ADJOURN

There being no further business, Commissioner Anderson and Vice Chairperson Iacoboni moved and seconded, respectively, to adjourn. The motion carried 5-0 and the Planning and Zoning Commission adjourned at approximately 6:07 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2023.



STAFF USE ONLY

Case Number: **ANY23-3**Hearing Date: **9.27.23**

APPLICATION FOR VOLUNTARY ANNEXATION

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, before or outside of the public hearing at which this matter will be heard.

PROPERTY OWNER/APPLICANT INFORMATION

Property

Owner

Name:

DK HOLDINGS LLC

Last

First

M.I.

Address:

247 THAIN RD #107

Street Address

LEWISTON ID 83501

City

State

ZIP Code

Phone:

2087985000

Email: dan@qdplans.com

*****IF ADDITIONAL PROPERTY OWNERS, THEN PROVIDE THEIR INFORMATION ON THE
ADDITIONAL PROPERTY OWNER INFORMATION PAGE (PAGE 3)*****

PROPERTY INFORMATION

Tax Parcel

Number(s):

~~ATTACHED~~ RP000940010000

Subdivision Name:

(if applicable)

Proposed Subdivision Name
CANYON CREST WEST

Block:

Lot:

OR attach a metes and bounds description if the subject property cannot be completely described by Lot and Block of a subdivision.

Property Acreage:

~~1148.5~~ 39.62

NATURE OF YOUR REQUEST

The current Comprehensive Plan Designation of this property is:

Area of City Impact (ACI)

The **proposed** Comprehensive Plan Designation of this property is:

Low density residential

The current zoning of this property is:

F-1 Farm (County designation)

The **proposed** zoning of this property is:

R2, Low Density Residential (City)

Annexation is requested in order to/because (describe the reason/purpose):

ALLOW FOR SERVICES PROVIDED BY THE CITY OF LEWISTON

PROPERTY OWNER CERTIFICATION AND CONSENT TO VOLUNTARY ANNEXATION

The property owner(s) hereby certifies that the information contained in this application is true and correct to the best of my/our knowledge and agrees to enter into an "Irrevocable Consent to Annexation Agreement" (separate document to be produced by the City for the applicant to sign) for the annexation of the subject property to the City of Lewiston, whereby such annexation shall be binding upon subsequent purchasers, heirs, or assigns of lands addressed in this consent, to wit:

Property owner(s):	1) DAN YONGE		
	Printed Name	Signature	Date
	2)		
	Printed Name	Signature	Date
	3)		
	Printed Name	Signature	Date
	4)		
	Printed Name	Signature	Date

ADDITIONAL PROPERTY OWNER INFORMATION

Provide Information of Any Owner of the Subject Property to be Annexed Not Already Listed on Page 1.

Property
Owner
Name:

Last First M.I.

Address:

Street Address

City State ZIP Code

Phone:

Email: _____

Property
Owner
Name:

Last First M.I.

Address:

Street Address

City State ZIP Code

Phone:

Email: _____

Property
Owner
Name:

Last First M.I.

Address:

Street Address

City State ZIP Code

Phone:

Email: _____

APPLICATION SUBMITTAL CHECKLIST

- | | | |
|--------------------------|--------------------------|--|
| YES | NO | 1) Two copies of the completed, signed paper application form each with the following attachments: |
| ☐ | ☐ | |
| YES | NO | |
| ☐ | ☐ | |
| YES | NO | |
| ☐ | ☐ | A) A correct legal description of the property to be annexed, including its acreage; |
| ☐ | ☐ | B) A vicinity map identifying the subject property in relation to the existing city limit line and streets within one quarter mile (1,320 feet) of the subject property; |
| YES | NO | C) A detailed map identifying the subject parcel(s) requested for annexation, including property line dimensions, adjoining streets and the existing city limit line; |
| ☐ | ☐ | |
| YES | NO | |
| ☐ | ☐ | |
| YES | NO | D) Supplemental property owner information sheet, if applicable |
| ☐ | ☐ | 2) Filing Fee payable to CITY OF LEWISTON. This fee will also pay for comprehensive plan land use designation and zoning associated with and necessary for annexation. |
| YES | NO | |
| ☐ | ☐ | |

ANNEXATION AUTHORITY:
STATE OF IDAHO CODE AND LEWISTON ANNEXATION POLICY

Idaho Code Section 50-222 et seq. gives cities the authority to “annex lands which are reasonably necessary to assure the orderly development of Idaho’s cities.” It also states “annexation of lands into a city shall follow the procedures applicable to the category of lands as established by this section.”

A private landowner may petition for annexation under Idaho Code Section 50-222(3)(a) entitled “Category A: Annexations wherein:

- (i) All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation;
- (ii) Any residential enclaved lands of less than one hundred (100) privately-owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by the boundary of the city’s area of impact; or
- (iii) The lands are those for which owner approval must be given pursuant to subsection (5)(b)(v) of this section.”

Idaho Code Section 50-222(5)(a): “Procedures for Category A Annexations: Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in Chapter 65, Title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.”

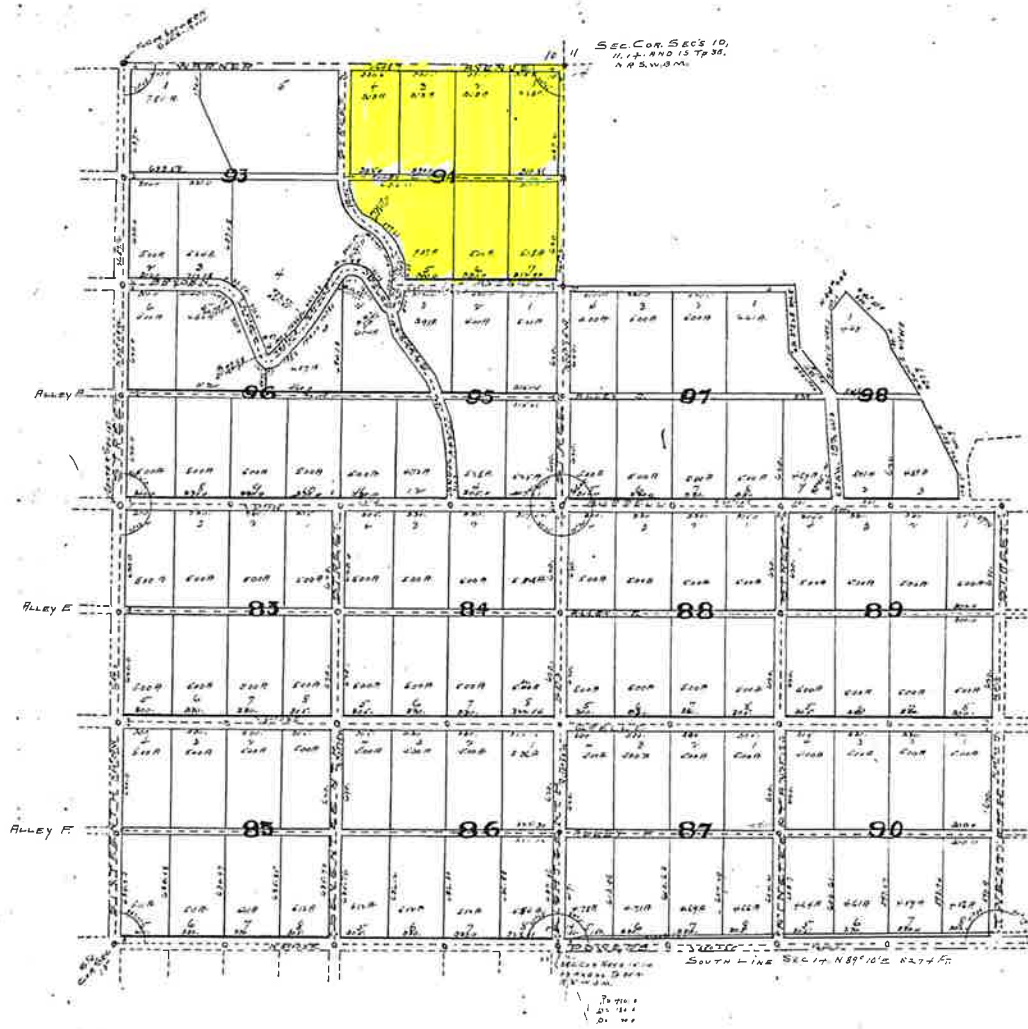
ANNEXATION APPLICATION PROCESS

1. Pre-application meeting to determine feasibility and desirability of annexation, as well as related comprehensive plan, zoning, public infrastructure, emergency service, and property development issues.
2. The applicant submits a completed application on the form provided to the Community Development Department requesting the annexation to the City of Lewiston. **All material included in the application must be provided at this time.** The representative of the Department reviews the application for completeness prior to further processing.
3. 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 at least twenty (20) working days prior to the public hearing date. You will be notified of the hearing date when you submit your application.
4. The Community Development Department notifies by mail all residents within 300 feet of the property for which you are requesting annexation. This notifies them of the nature of your application, the date of the public hearing, and solicits comments from them.
5. The Community Development Department solicits comments from public agencies and City Departments so a recommendation can be made.
6. The Community Development Department reviews the request for compliance with Idaho Code and prepares a recommendation for the Planning and Zoning Commission. The applicant will receive a copy of this report and recommendation in advance of the meeting.
7. A public hearing date is set before the Planning and Zoning Commission and a public hearing notice is published in the newspaper. Neighboring property owners are sent notice of the public hearing and the property is posted with a public hearing notice.

8. 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 opposition to the request. **It is strongly recommended that the applicant be in attendance at this meeting.**
9. The Planning and Zoning Commission will make a recommendation to the City Council.
10. The City Council holds a public hearing on the request subject to the same notice requirements as done at the Planning and Zoning Commission level. **It is strongly recommended that the applicant be in attendance at this meeting.**
11. If the City Council approves the annexation request, the City Attorney prepares an ordinance for annexation, a resolution for comprehensive plan land use designation, and an ordinance for zoning for the Council.
12. At subsequent public meetings, the City Council holds the first, second, and third readings of the ordinances and approves the resolution. Following the third reading and adoption of the ordinances, the ordinances are published in the newspaper after which the decisions become final.

Lots 1, 2, 3, 4, 5, 6, and 7, Block 94, Lewiston Orchards Tract No. 12, according to the recorded plat thereof, records of Nez Perce County, Idaho.

For Dedication See
Back Of This Page





STAFF USE ONLY	
Case Number:	CPA23-4
Hearing Date:	9.27.23

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: 8/28/23
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: _____

Mailing Address: _____

PROPERTY INFORMATION

Street Address of Subject Property: WEST OF 18TH STREET, BETWEEN WARNER & AIRWAY

Subdivision Name: ~~CANYON CREST WEST~~ Block: _____ Lot: _____

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: Area of City Impact (ACI)

The **proposed** Comprehensive Plan Designation of this property is: Low 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 COMPLIMENTARY
SURROUNDING RESIDENTIAL HOMES THIS PROPERTY SEEMS BEST SUITED
FOR RESIDENTIAL HOUSING

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: _____



Date: 8/28/23

The Property Owner hereby authorizes this application:

Signature of Owner: _____



Date: _____

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.

Case Number:

ZNC23-6

Hearing Date:

9.27.23



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: 08/28/23
Last First M.I.

Address: 247 THAIN RD. #107
Street Address Apartment/Unit #

LEWISTON ID 83501
City State ZIP Code

Phone: 208-798-5000 Email: dan@qdplans.com

Property Owner: DK HOLDINGS LLC Phone: 208 798 5000

Property Owner Mailing Address: 247 THAIN RD. #107

DESCRIPTION OF PROPERTY

Street Address of Subject Property: WEST OF 18TH STREET BETWEEN WARNER & AIRWAY

Subdivision Name: ~~CANYON CREST WEST~~

Block: _____ Lot: _____

OR, if not part of a subdivision, attach a metes and bounds description 53.74 acres

NATURE OF REQUEST

Change FROM Zone District: RI / F1 TO Zone District: R2

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 IS LOW DENSITY RESIDENTIAL. THE REQUESTED ZONING CLASSIFICATION TO R2 IS SIMILAR TO THE DEVELOPED PUD TO THE EAST AND NORTH. SINGLE FAMILY RESIDENTIAL SEEMS TO BE COMPLEMENTARY TO THE REST OF THE NEIGHBORHOOD

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

THE ZONE CHANGE WILL MAKE THE SUBJECT PROPERTY MORE IN LINE WITH THE EXISTING HOUSING TO THE EAST AND NORTH

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

THE DEVELOPED AREA 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.

CURRENT SERVICES PROVIDED BY PUBLIC ENTITIES ARE CAPABLE OF
HANDLING THE PROPOSED CHANGE

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 OF ABOUT 15-20 LOTS
PER YEAR. THIS SLOW GROWTH SHOULD PLACE NO UNDUE BURDEN
ON ANY OF THE ABOVE

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:  Date: 08/28/23

The Property Owner hereby authorizes this application:

Signature:  Date: 08/28/23

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

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

APPLICATION PROCESS

1. The applicant submits the completed application to the Community Development Department requesting the Zone change. The representative of the Department reviews the application for completeness prior to further processing.

ALL MATERIALS INCLUDED IN THE APPLICATION MUST BE PROVIDED AT THIS TIME. INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED.

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

2. The Community Development Department sets the public hearing date for the application according to the public hearing schedule. The Planning and Zoning Commission holds public hearings on the second and fourth Wednesday of each month. The Commission will make a recommendation on a zone change application to the City Council, who will also conduct a public hearing on the matter and render the decision. The City Council holds public hearings on the second and fourth Monday of each month. **Completed applications must be submitted at least four weeks prior to the public hearing date.** You will be notified of the hearing date when you submit your application.
3. The Community Development Department notifies all residents within 300 feet of the property for which you are requesting the Zone Change. This notifies them of the nature of your application, the date of the public hearing, and solicits comments from them.
4. The Community Development Department solicits comments from public agencies and City Departments so a recommendation can be made.
5. After all comments have been received, the Community Development Department prepares a staff report and recommendation for the Planning and Zoning Commission. You will receive a copy of this report and recommendation in advance of the meeting.
6. The Planning and Zoning Commission holds a public hearing on the request. The applicant is invited to speak as well as others who wish to provide testimony, whether in support or in opposition, to the request. **IT IS STRONGLY RECOMMENDED THAT YOU BE IN ATTENDANCE AT THIS MEETING.**
7. The Planning and Zoning Commission will make a recommendation to the City Council. This recommendation is forwarded to the City Mayor for submittal to the City Council.
8. The City Council sets a public hearing date, generally several weeks away to allow sufficient time for legal notice. The property owners who received notice for the Planning and Zoning public hearing will again receive notice of the City Council public hearing.
9. The City Council holds a public hearing on the request. If the City Council approves the PUD Amendment request. The City Attorney prepares an ordinance for the Council.
10. At subsequent public meetings, the City Council holds the first, second, and third readings of the Ordinance. Following the third reading and adoption of the Ordinance, the Ordinance is published in the newspaper, after which the PUD Amendment becomes final.

APPLICANT'S CHECKLIST

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

Lots 1, 2, 3, 4, 5, 6, and 7, Block 94, Lots 1, 2, and 3, Block 95, Lewiston Orchards Tract No. 12, according to the recorded plat thereof, records of Nez Perce County, Idaho.

Rezone Legal Description

For Dedication See
Block Of This Map



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 SEPTEMBER 27, 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) 798-2570 and leaving a message.

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

APPLICATIONS ANX23-3 AND CPA23-4 BY DK HOLDINGS LLC: The applicant requests that the undeveloped approximately 39.62 acres, known as RP000940010000 or Lots 1,2,3,4,5,6, and 7 of Block 94, Lewiston Orchards Tract No.12, and generally located west of 18th Street, north of unimproved Bryden Ave and south of Canyon Crest Estates, as depicted on the attached map, 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.

APPLICATION ZNC23-6 BY DK HOLDINGS, LLC: The applicant also requests that the above referenced land and the adjacent undeveloped parcel, to the south, known as RPL00950010000 or Lots 1, 2, and 3 of Block 95, Lewiston Orchards Tract 12, and generally located south of unimproved Bryden Ave, west of 18th Street and north of unimproved Airway Ave, as depicted on the attached map, containing approximately 14.12 acres, be rezoned and placed in the Low Density Residential, R2, Zoning District and amending the Lewiston Area of City Impact Map accordingly.

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 September 7, 2023 and 74 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.

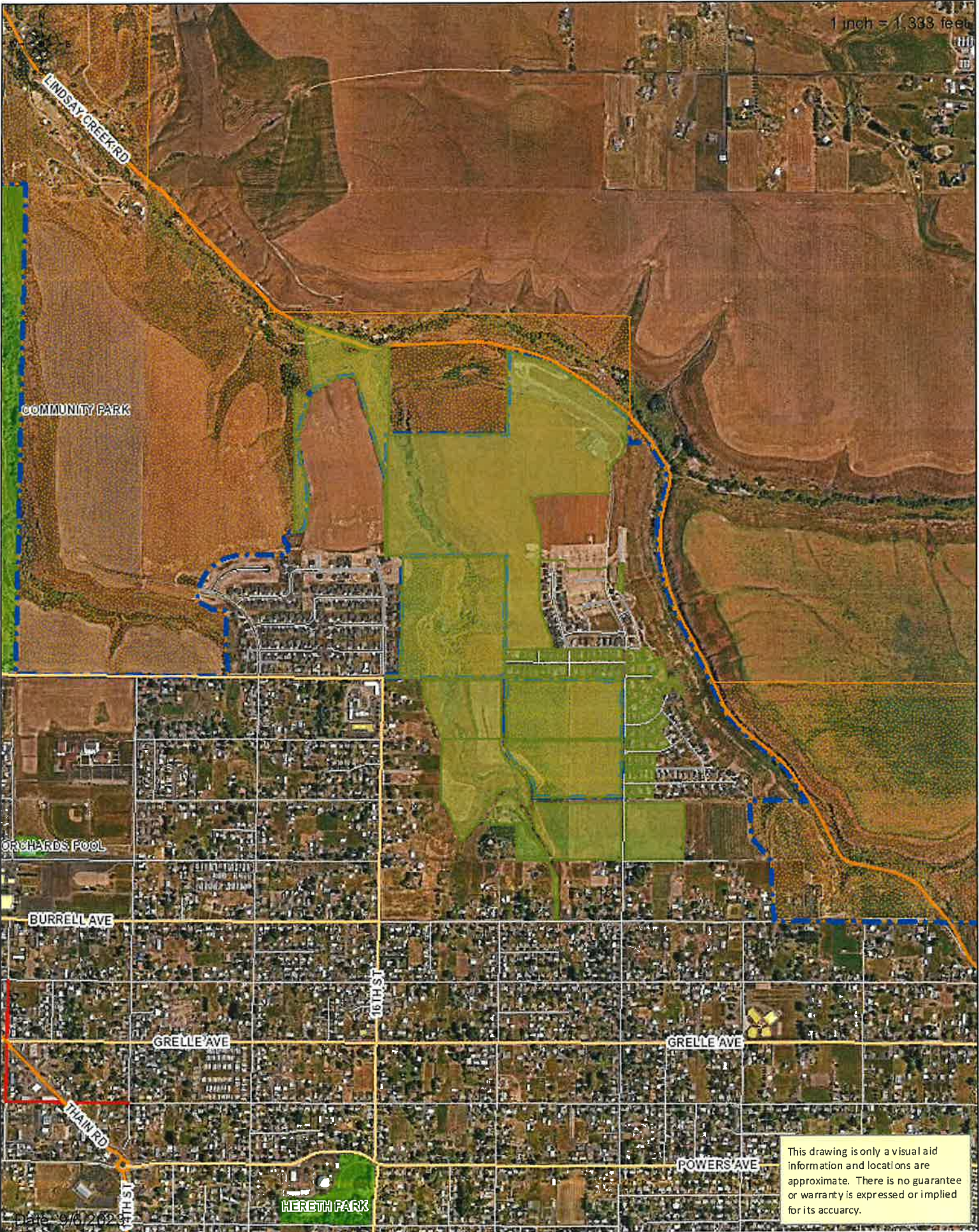
City of Lewiston



OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
ANDERSON LESLI C 2010 &	REVOCABLE TRUST	PO BOX 2011	LEWISTON	ID	83501
APPLEFORD, TODD M &	APPLEFORD, SAMANTHA	1704 PIONEER DR	LEWISTON	ID	83501
ARNONE, TREVOR		3321 18TH ST	LEWISTON	ID	83501
BARCLAY, SHAUN L &	BARCLAY, JULIE A	1815 IMNAHA LN	LEWISTON	ID	83501
BASILICO, LINDA L		1810 CLEARVIEW POINT DR	LEWISTON	ID	83501
BENKE, MICHAEL B &	BENKE, AMANDA J	3305 18TH ST	LEWISTON	ID	83501
BENNARD LIVING TRUST	BENNARD, CLINTON P TRUSTEE	3309 18TH ST	LEWISTON	ID	83501
BLY, MICHAEL &	BLY, MICHELLE &	2520 6TH ST	LEWISTON	ID	83501
BLY, RUSSELL S &	BLY, LOIS M	1726 PIONEER DR	LEWISTON	ID	83501
BLY, TRUDY A		1814 GRANDE RONDE CT	LEWISTON	ID	83501
BRODIE JAMES R FAMILY TRUST		1801 CLEARVIEW POINT	LEWISTON	ID	83501
BUMBAUGH, SCOTT A &	BUMBAUGH, NORMA J	3319 16TH ST	LEWISTON	ID	83501
CANTERBURY, THOMAS J &	CANTERBURY ARLENE FAMILY TRUST	1722 PIONEER DR	LEWISTON	ID	83501
CANYON CREST ESTATES HOA INC		PO BOX 24	LEWISTON	ID	83501
CAVANAUGH, CONNIE L		1729 PIONEER DR	LEWISTON	ID	83501
CLARK, VICCI M		1702 PIONEER DR	LEWISTON	ID	83501
COPPESS, ROBERT YORK &	COPPESS DORIS JUNE TRUST	15109 SE 47TH PL	BELLEVUE	WA	98006
COURTNEY, SHANE D &	COURTNEY, MICHELLE R	1710 PIONEER DR	LEWISTON	ID	83501
CURRY, BRIAN J &	CURRY, JENNIFER	1708 PIONEER DR	LEWISTON	ID	83501
DK HOLDINGS LLC		247 THAIN RD STE 107	LEWISTON	ID	83501
ELLIOT, DAVID C &	ELLIOT, KAREN D	1807 GRANDE RONDE CT	LEWISTON	ID	83501
ERSLAND, WALTER M &	ERSLAND, NANETTA	1713 PIONEER DR	LEWISTON	ID	83501
EWING, BRITTANY A &	EWING, DALTON R	1707 PIONEER DR	LEWISTON	ID	83501
FAVOR, DAVID G &	FAVOR, GAYLE N	1804 IMNAHA LN	LEWISTON	ID	83501
FELTON, CINDY L		1806 IMNAHA LN	LEWISTON	ID	83501
FERRISS, JOHN K		1811 GRANDE RONDE CT	LEWISTON	ID	83501
GOECKNER, BRADLEE &	GOECKNER, MARY ANN	1805 SUNRISE CT	LEWISTON	ID	83501
GOMEZ, MARIO D &	GOMEZ, JENNIFER E	3237 18TH ST	LEWISTON	ID	83501
HAGEN, GARY GENE &	HAGEN, EDNA C	2255 RESERVOIR RD	CLARKSTON	WA	99403
HERRMAN, BRIAN F &	HERRMAN, DEBRA L	1730 PIONEER DR	LEWISTON	ID	83501
HULETT, JOE R &	LINDQUIST-HULETT, PATRICIA A	1807 CLEARVIEW POINT DR	LEWISTON	ID	83501
ISBELLE, JONATHON J &	ISBELLE, JOLENE C	135 112TH ST	OROFINO	ID	83544
IVERSON, CHARLES &	IVERSON, LORITA	3227 HIDDEN VALLEY LOOP	LEWISTON	ID	83501

WALSH, JAMES &	WALSH ANNE LIVING TRUST	PO BOX 211	WAITSBURG	WA	99361
WARD, JOHN &	WARD, JEAN	1807 IMNAHA LN	LEWISTON	ID	83501
WASSMUTH, DONALD D &	WASSMUTH, SALLY J	1806 GRANDE RONDE CT	LEWISTON	ID	83501
WEEKS, W JEREMY &	WEEKS, HEATHER S	3303 18TH ST	LEWISTON	ID	83501
WELCH, GEORGE &	WELCH, JUDITH	1810 IMNAHA LN	LEWISTON	ID	83501
WESTCON LLC		3900 INDUSTRIAL WAY	LEWISTON	ID	83501
ZIMMERMAN, LISA M &	ZIMMERMAN, ANDREW J	1810 GRANDE RONDE CT	LEWISTON	ID	83501

City of Lewiston





PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 9/15/2023

Case File Number: ANX23-3, CPA23-4, ZNC23-6

Applicant:

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

Property Owner:

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

Site Location:

Applications ANX23-3 and CPA23-4 are for the undeveloped approximately 39.62 acres, known as RP000940010000 or Lots 1,2,3,4,5,6, and 7 of Block 94, Lewiston Orchards Tract No. 12, and generally located west of 18th Street, north of unimproved Bryden Ave and south of Canyon Crest Estates, as depicted on the attached map, and Application ZNC23-6 is for the above referenced land and the adjacent undeveloped parcel, to the south, known as RPL00950010000 or Lots 1, 2, and 3 of Block 95, Lewiston Orchards Tract 12, and generally located south of unimproved Bryden Ave, west of 18th Street and north of unimproved Airway Ave, as depicted on the attached map, containing 14.12 acres.

Request/Proposal:

Applications ANX23-3 and CPA23-4 request that the undeveloped approximately 39.62 acres, known as RP000940010000 or Lots 1,2,3,4,5,6, and 7 of Block 94, Lewiston Orchards Tract No. 12, and generally located west of 18th Street, north of unimproved Bryden Ave and south of Canyon Crest Estates, as depicted on the attached map be removed from the Lewiston Area of City Impact and

ANX23-3, CPA23-4, ZNC23-6

annexed into Lewiston city limits and that it be assigned a Comprehensive Plan Land Use Designation of Low Density Residential.

Application ZNC23-6 requests that the above referenced land and the adjacent undeveloped parcel, to the south, known as RPL00950010000 or Lots 1, 2, and 3 of Block 95, Lewiston Orchards Tract 12, and generally located south of unimproved Bryden Ave, west of 18th Street and north of unimproved Airway Ave, as depicted on the attached map, containing approximately 14.12 acres, be rezoned and placed in the Low Density Residential, R2, Zoning District and amending the Lewiston Area of City Impact Map accordingly.

Subject Property and Surrounding Land Uses: The subject properties are 53.74 acres of vacant land. Properties to the north and south are single family dwellings, property to the east is vacant land and properties to the west are a mix of vacant land and single family dwellings.

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 2

GENERAL PROVISIONS — GOVERNMENT — TERRITORY

50-222. ANNEXATION BY CITIES. (1) Legislative intent. The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.

(2) General authority. Cities have the authority to annex land into a city upon compliance with the procedures required in this section. In any annexation proceeding, all portions of highways lying wholly or partially within an area to be annexed shall be included within the area annexed unless expressly agreed between the annexing city and the governing board of the highway agency providing road maintenance at the time of annexation. Provided further, that said city council shall not have the power to declare such land, lots or blocks a part of said city if they will be connected to such city only by a shoestring or strip of land which comprises a railroad or highway right-of-way.

(3) Annexation classifications. Annexations shall be classified and processed according to the standards for each respective category set forth herein. The three (3) categories of annexation are:

(a) Category A: Annexations wherein:

ANX23-3, CPA23-4, ZNC23-6

(i) All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation;

(ii) Any residential enclaved lands of less than one hundred (100) privately owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by the boundary of the city's area of impact; or

(iii) The lands are those for which owner approval must be given pursuant to subsection (5)(b)(v) of this section.

(5) Annexation procedures. Annexation of lands into a city shall follow the procedures applicable to the category of lands as established by this section. The implementation of any annexation proposal wherein the city council determines that annexation is appropriate shall be concluded with the passage of an ordinance of annexation.

(a) Procedures for category A annexations: Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in [chapter 65, title 67](#), Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

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.]

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)

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

- (a) *Public hearing required.* Upon the receipt of an application for a conditional use pursuant to section 37-161 of this chapter, a variance pursuant to section 37-175 of this chapter, a change of use of nonconforming use pursuant to section 37-168 of this chapter, or planned unit development pursuant to section 37-97 of this chapter, or an application for a zone change, comprehensive plan amendment, or an amendment to the text of this chapter, a public hearing shall be scheduled.
- (b) *Notifications.*
 - (1) Each notice of public hearing on an amendment to the text of this chapter shall contain the date, time, and place of the hearing, a summary of the proposed

amendment, and any other information considered pertinent; and shall be published at least once in a newspaper of general circulation in the city at least fifteen (15) days prior to the hearing.

- (2) Each notice of public hearing on a conditional use, change of use of a nonconforming use, variance request, or on an amendment to change the zoning map or comprehensive plan shall include as a minimum the date, time, and place of the hearing and summary of the proposal. The notice shall be published in a newspaper of general circulation in the city at least fifteen (15) calendar days prior to the hearing and shall, in addition, be mailed to the owners of all properties within three hundred thirty (330) feet of the exterior boundary of the property for which the application is made, except in variance cases notices shall be mailed only to owners of adjoining properties, including properties across streets, alleys and rights-of-way. All notices shall be mailed at least eight (8) calendar days prior to the hearing.
 - (3) When notice is required to two hundred (200) or more property owners or residents, mailed notice may be omitted. In lieu thereof, public announcements of the hearing shall be made on local radio and television stations at least five (5), but not more than fifteen (15) days before the hearing.
 - (4) Failure of any person to receive the notice prescribed in this section shall not impair the validity of the hearing.
 - (5) The commission or city council may recess a hearing to serve further notice upon other property owners or persons it determines may be interested in the proposal being considered.
- (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.
- (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) 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) Any person 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.
- (d) *Recommendations and decisions.* All recommendations and decisions of the commission and all decisions of the city council made pursuant to this chapter and Idaho Code Title 67, Chapter 65, shall be made within forty-five (45) calendar days of the public hearing at which the application was considered, unless:
 - (1) The public hearing is continued;
 - (2) The applicant withdraws the application; or
 - (3) The city council holds an additional public hearing or remands consideration of the application back to the commission.

Any subsequent recommendation(s) and decision(s) after consideration at the initial public hearing shall be made within forty-five (45) calendar days of the subsequent consideration.

When required by Idaho Code Title 67, Chapter 65, the decision of the commission or the city council shall be set forth in a written reasoned statement of relevant criteria and standards that satisfies the requirements of Idaho Code Title 67, Chapter 65.

- (e) *Copy of decision and appeal.* Within five (5) business days after the commission or city council has adopted its written reasoned statement of relevant criteria and standards with its decision regarding an application, the applicant shall be provided a copy of such written reasoned statement of relevant criteria and standards by the community development department. The decision is final unless appealed pursuant to section 37-185 of this Code.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4531, § 20, 7-13-09; Ord. No. 4801, § 1, 4-12-21; Ord. No. 4863, § 1, 11-14-22)

See attached Low Density Residential Zone R2.

Comprehensive Plan:

The subject property is located in the Area of City Impact (ACI) and if annexed will be added to Neighborhood 7, East Orchards.

Relevant statements from the Comprehensive Plan include the following:

CHAPTER 6.8 AREA OF CITY IMPACT AND ANNEXED AREAS PURPOSE OF AREAS OF CITY IMPACT ACI's are transition areas between each city and the county and act as place holders for future annexation and eventual urban development. They are important because they help cities and counties carry out the purposes of planning, which include protecting property rights, ensuring that adequate public facilities and services are provided at reasonable cost, and encouraging urban type development within cities. ACIS are important tools that help coordinate growth with the availability of services. ACIs also help to concentrate density to those areas best prepared to receive new developments. This is referred to as managed growth and rules that govern it are described in §67-6526 of Idaho Code.

Upon annexation, the City envisions a future where:

ANX23-3, CPA23-4, ZNC23-6

1. Development is fully served with utilities and infrastructure;
2. Densities are sufficient to make efficient use of the limited ACI, spread utility costs and appeal to market conditions;
3. Where terrain permits, the existing road grid and circulation system is extended, including implementation of the Long Range Transportation Plan;
4. Residential areas will be walkable;
5. Pockets of neighborhood commercial serving the immediate needs of the neighborhood will be considered in the East Orchards and near the intersection of Lindsey Creek and Lapwai Roads;
6. Industrial and aviation related development will be allowed south and west of the Lewiston -Nez Perce County Airport;
7. Development in canyon areas and along the Spiral Highway will be handled on a case by case basis considering terrain and existing land use patterns.
8. Ravines will be preserved by transferring densities to the most developable portions of the land. (Ordinance 4624, February 23, 2015)

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.

Generally lying east of 16th Street and north of Burrell Avenue are a number of major ravines and drainage ways best suited to remain undeveloped or as links among public open space as shown in the Parks and Open Space Master Plan. Another substantial drainage pattern lies northeast of 21st Street and Grelle Avenue is an area which should remain undeveloped.

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.

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.

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.

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 10. 2020 Transportation Plan

The 2020 Transportation Plan currently identifies 18th Street as a local road but it's future connection and classification is as a collector. Airway Ave, adjacent to the subject property is unimproved but is otherwise classified as a local road. Speed limits on both of these roads are 25 miles an hour. Both 18th Street and Airway Avenue are identified as in need of pedestrian facilities (sidewalks). 18th Street is designated as part of the city's bicycle network. As noted by the Engineering Division of the Public Works Department, if this land action is approved, the traffic impact will be evaluated as part of the subdivision process. The subject properties are not on either of the city's bus routes.

CHAPTER 16. IMPLEMENTATION "An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan."

COMMUNITY GROWTH One way the community can grow is through annexation of additional territory. This provides additional land for the community to grow; in addition, the community gains control over the surrounding lands that will affect its ability determine future uses in the area. Throughout this plan, recommended annexations have been identified. The City should take steps to begin the process of annexation of these, and other, parcels.

Input From Other Departments/Agencies:

The Fire Department commented; "Access and water supply shall be evaluated during the plat design phase(s)."

ANX23-3, CPA23-4, ZNC23-6

The Engineering Division of the Public Works Department commented; "Engineering has no objections to proposed action. Proposed lot/street configurations, traffic and utilities will be evaluated during platting process."

The Lewiston Orchard Irrigation District General Manager, Barney Metz, commented; "Neither parcel is currently eligible for water. The applicant will have to go through the domestic only annexation process. He would need to do the annexation process for each parcel and submit plans to the Lewiston Orchards Irrigation District for review of his proposed infrastructure for us to comment on."

Analysis:

The subject properties are three large parcels from the original Orchards Tracts comprised of 10 underlying lots. Two (2) of these parcels are currently located in Nez Perce County and are surrounded on all four sides by city zoned property. These two parcels are under county zoning F1 Farm. The third parcel is south of the two parcels currently located in the county and has zoning designation of Suburban Residential, R1, Zone. All three parcels are currently bare land that has been farmed in the past. Surrounding properties are a mix of single family dwellings and bare land with a ravine separating the county zoned parcels from the single family dwellings to the west. Properties to the north and east of the two county zoned parcels are part of the Canyon Crest Estates Planned Unit Development with allows for a mix of housing types, some community commercial and a variety of lot sizes ranging from 6,000 square feet to almost one (1) acre in size. The city zoned parcel is surrounded by a variety of zoning districts including F2, R1, R2A, and R3. Mostly single family dwellings and vacant land occupy the land in these various zoning districts.

The applicant requests a zoning designation for all three (3) parcels of Low Density Residential, R2 Zone. The R2 Zone does not allow for the keeping of livestock. This zone has a minimum lot size of 7500 square feet for a single family dwelling with a minimum lot width of 70 feet and a minimum lot depth of 100 feet. Lots created with this standard would be similar in size to those lots directly north of the county zoned parcels, in the Canyon Crest Estates Planned Unit Development along Pioneer Drive. The Low Density Residential, R2 Zone lot standards are also very similar to those along Clearview Point Drive to the east (also in the Canyon Crest Estates). Upon approval of the subject applications, the applicant would apply for subdivision approval.

The Low Density Residential, R2, Zone allows for residential uses that will be compatible with the existing neighborhood and the single family dwellings that currently exist. The proposed annexation will eliminate an island of county zoned property and allow for the continued development of this neighborhood. These parcels are identified in the Comprehensive Plan as areas suitable for future annexation and a future land use designation of low density residential.

This area of the city (East Orchards or Neighborhood 7) is the fastest growing section of Lewiston with several subdivisions in the surrounding areas that are in

various stages of development. Canyon Crest Estates to the north, applicants own subdivision (Canyon Crest South subdivision plat, as reviewed by the Commission at the 9/13/23 Planning and Zoning Commission meeting) to the east across 18th Street, Lindsey Creek Estates Planned Unit Development to the south east at 21st Street and Powers Avenue, Heimgartner Subdivision at the west corner of 22nd Street and Powers Avenue and Skyview Estates at the east corner of 22nd Street and Powers Avenue. Annexation of the subject properties will provide additional infill development for much needed housing within the city.

The 2020 Transportation Plan currently identifies 18th Street as a local road but it's future connection and classification is as a collector. As noted by the Engineering Division of the Public Works Department, if this land action is approved, the traffic impact will be evaluated as part of the subdivision process. The subject properties are not on either of the city's bus routes.

Relevant Criteria and Standards:

See attached worksheet.

Prepared By:

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

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

I. APPLICATION NUMBER:

II. APPLICANT’S NAME AND ADDRESS:

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:

IV. DATE OF PUBLIC HEARING:

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

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

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

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

IX. RELEVANT CRITERIA AND STANDARDS:

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

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

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

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

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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FOR ZNC **xx-xxxxxx**

Page 2 of 3

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

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Tanya Brocke, Community Development Specialist

DIVISION 2. SUBURBAN RESIDENTIAL ZONE R-1

Sec. 37-18. R-1 suburban residential zone.

(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 provisions of chapter 23 of this Code, with a maximum density of six (6) dwelling 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;
 - (14) Tiny house village, subject to the provisions of chapter 23 of this Code, with a maximum density of six (6) dwelling units per acre.

(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; Ord. No. 4841, § 4, 11-14-22)

Sec. 37-20.1. Special conditions.

- (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 ($1\frac{1}{2}$) times the area of the site and if the yard dimensions in each case are equal to at least two-thirds ($\frac{2}{3}$) 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.

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- (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.

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.

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.

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.

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.

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

DIVISION 3. LOW DENSITY RESIDENTIAL ZONE R-2

Sec. 37-26. R-2 low density residential zone.

Purpose. To provide land for lower density residential development in a neighborhood setting.

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

Sec. 37-27. Uses permitted outright.

In an R-2 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) Mortuary, subject to the special conditions of section 37-20.1(1) of this Code;
- (7) Park, subject to the special conditions of section 37-20.1(4) of this Code;
- (8) School, subject to the special conditions of section 37-20.1(3) of this Code;
- (9) Single-family dwelling;
- (10) Two-family dwelling.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4161, § 3, 7-1-96; Ord. No. 4249, § 11, 10-25-99; Ord. No. 4385, § 3, 2-14-05)

Sec. 37-28. Conditional uses permitted.

In an R-2 zone, the following uses and their accessory uses are permitted when authorized in accordance with the standards and requirements in articles IV and IX:

- (1) Repealed by Ord. No. 4742.
- (2) Day care center, subject to the special conditions of section 37-20.1(5) of this Code;
- (3) Group day care, subject to the special conditions of section 37-13.1(3) of this Code;
- (4) Intermediate care facility;
- (5) Long-term care facility;
- (6) 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;

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- (7) Manufactured home park, subject to the provisions of chapter 23 of this Code, with a maximum density of nine (9) dwelling units per acre;
 - (8) Multifamily dwelling, meeting the standards of section 37-124.1 of this Code;
 - (9) Noncommercial kennel, subject to commercial kennel standards of section 37-163(15) of this Code;
 - (10) Preschool, subject to the special conditions of section 37-20.1(6) of this Code;
 - (11) Public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;
 - (12) Re-establishment of a commercial use which was legally established but where the business and occupation license has lapsed for a period not to exceed one (1) year;
 - (13) Replacement of a nonconforming 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;
 - (14) 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;
 - (15) 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;
 - (16) Small lot development subject to the requirements of section 37-33 of this Code, standards for small lot development;
 - (17) Tiny house village, subject to the provisions of chapter 23 of this Code, with a maximum density of nine (9) dwelling units per acre.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 12, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4385, § 4, 2-14-05; Ord. No. 4433, § 1, 1-9-06; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4531, § 3, 7-13-09; Ord. No. 4656, § 1, 3-28-16; Ord. No. 4676, § 3, 11-28-16; Ord. No. 4742, § 2F, 8-19-19; Ord. No. 4799, § 3, 3-8-21; Ord. No. 4841, § 5, 11-14-22)

Sec. 37-29. Lot size.

In an R-2 zone, the minimum lot size shall be as follows:

- (1) For a single-family dwelling, the minimum lot area shall be seven thousand five hundred (7,500) square feet, subject to sections 32-45(f)(1) and 36-103 of this Code.
- (2) For a two-family dwelling, the minimum lot area shall be ten thousand (10,000) square feet, and connection to a municipal sanitary sewer system must be provided.
- (3) For a multifamily dwelling, the minimum lot area shall be ten thousand (10,000) square feet plus three thousand (3,000) square feet for each dwelling unit over two (2), and connection to a municipal sanitary sewer system must be provided.
- (4) Lot width shall be a minimum of sixty (60) feet.
- (5) 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. 4676, § 4, 11-28-16)

Sec. 37-30. Yards.

Except as provided in article VIII, in an R-2 zone the minimum yard requirements shall be as follows:

- (1) A front yard shall be a minimum of twenty (20) feet or thirty-five (35) feet from the centerline of the street, whichever is greater.
- (2) A side yard shall be a minimum of five (5) feet and the total of both side yards shall be a minimum of fifteen (15) feet, except 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) 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 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)

Sec. 37-31. Lot coverage.

In an R-2 zone buildings shall not cover more than forty (40) percent of the lot.

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-32. Height of buildings.

In an R-2 zone, no building shall exceed a height of thirty-five (35) feet.

(Ord. No. 4108, § 2, 8-15-94)

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

(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:

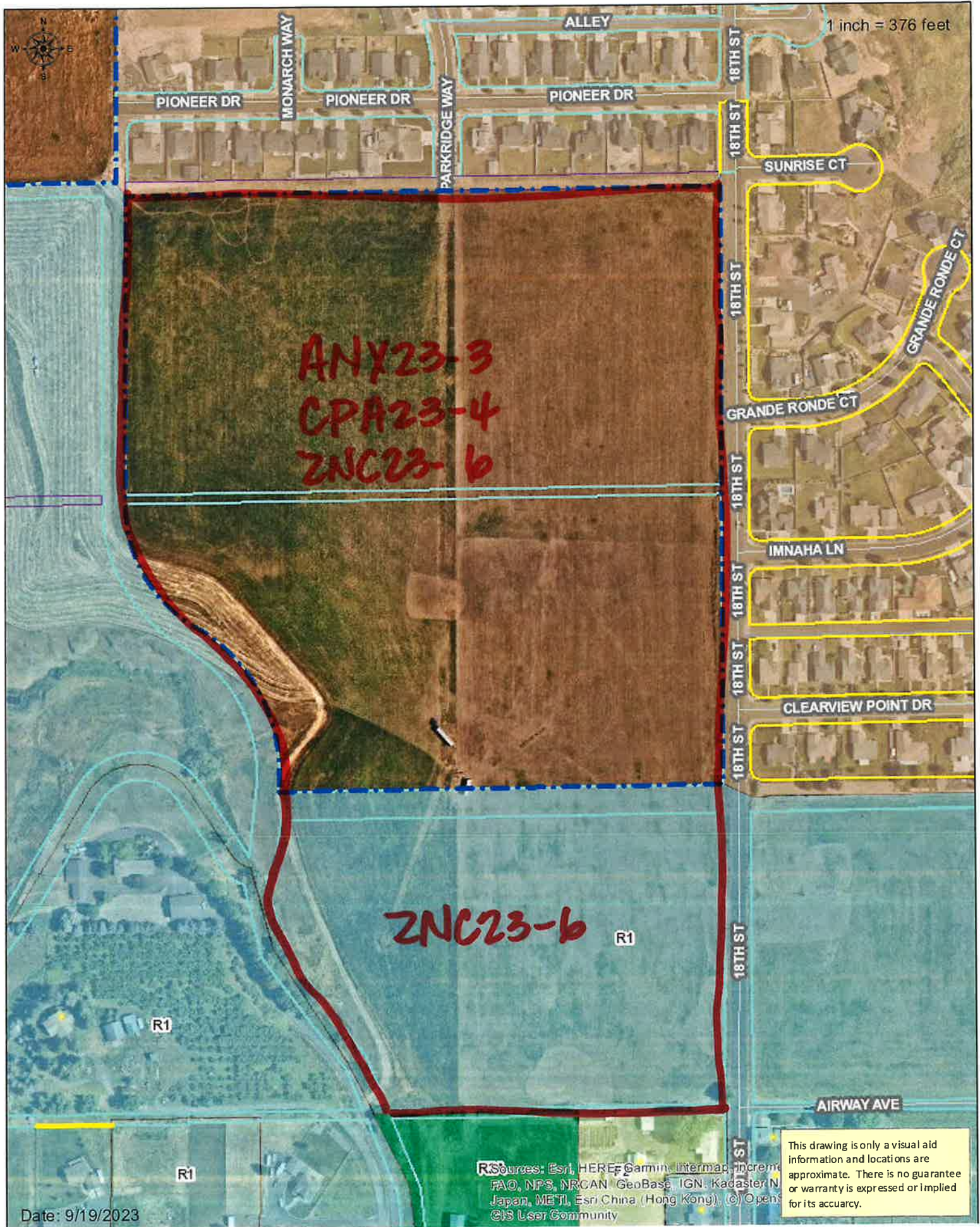
- (1) A front yard shall be a minimum of ten (10) feet or twenty-five (25) feet from the centerline of the adjacent street, whichever is greater, except a front yard for a garage or carport shall be a minimum of twenty (20) feet.
- (2) A side yard shall be:

-
- 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) *Building size.* 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 1 and March 1.

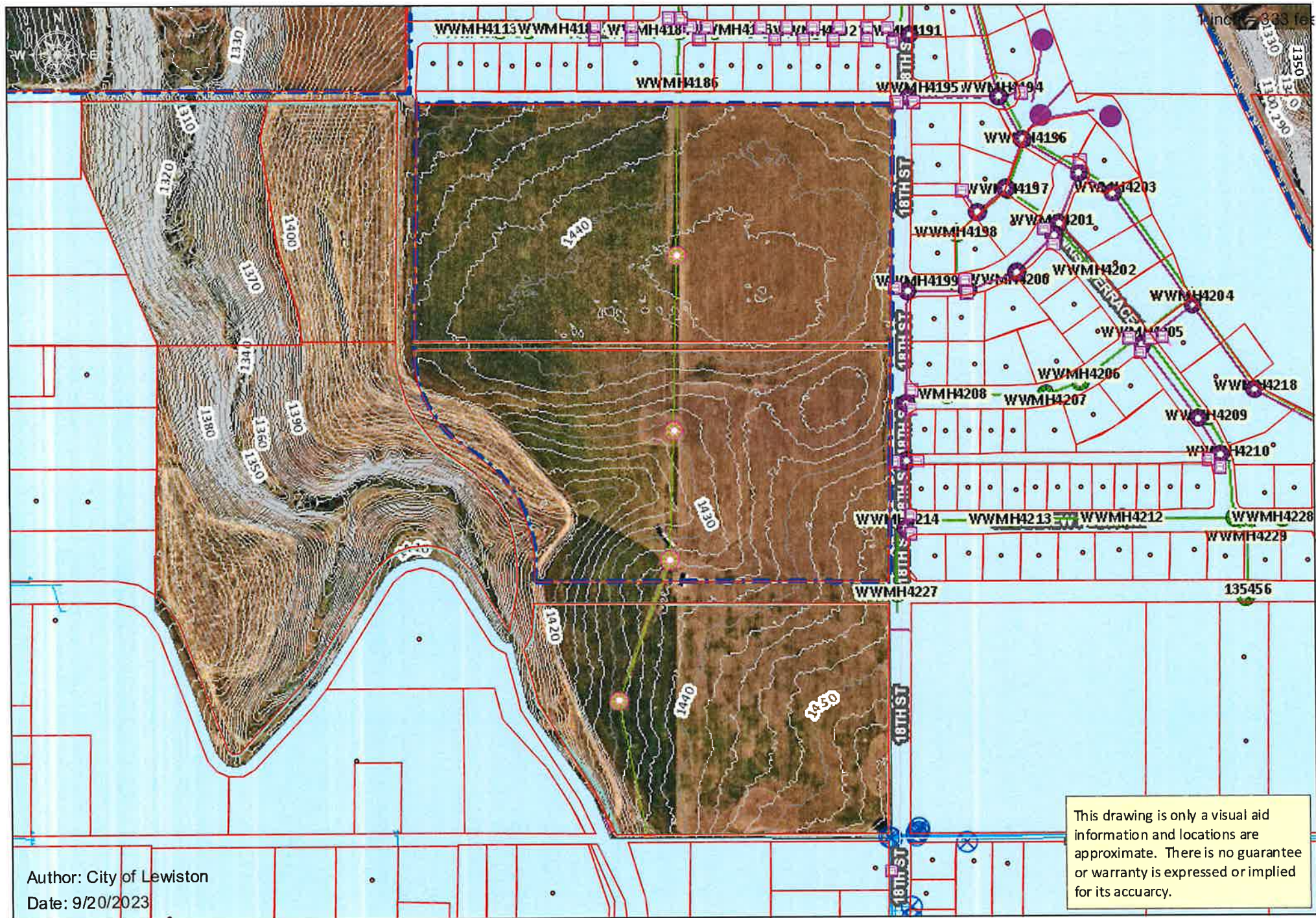
(Ord. No. 4433, § 2, 1-9-06; Ord. No. 4755, § 2, 9-9-19; Ord. No. 4835, § 1, 12-20-21)



City of Lewiston



City of Lewiston





Lewiston

Dawn Ortiz <dortiz@cityoflewiston.org>

Applications anx23-3, cpa23-4, and znc23-61 message

Cindy Moore <stmoore_1@outlook.com>

Sun, Sep 10, 2023 at 6:08 PM

To: Dawn Ortiz <dortiz@cityoflewiston.org>

Dawn,

This is Steven Moore, [3404 17th St, Lewiston](#). My property joins the above DK Holding properties along their entire Western edge. My wife (Cynthia Moore) and I are in support of the above applications. If you have any questions we can be contacted at 208-790-8848 (Steve) and/or 208-305-3910 (Cindy).

Sincerely,

Steve Moore

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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 September 27, 2023 at 5:30 pm.

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

Seating will be available on a first-come, first-served basis. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org.

Testimony for public hearings may be made: in-person, 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 proposal:

ZONING CODE AMENDMENT, ZA-02-23: A proposal to delete Lewiston City Code section 37-159.1, Setback from overhead electrical transmission lines.

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

Hearing notice publication date: Sunday September 10, 2023.

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