



**Lewiston Planning & Zoning Commission
REGULAR MEETING AGENDA
December 13, 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 OCTOBER 25, 2023 MEETING MINUTES (ACTION ITEM)

B. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP23-5 BY BRIAN KRUEGER FOR 1407 POWERS AVE (ACTION ITEM): The applicant requests conditional use permit approval to change a nonconforming use in order to operate his off-road vehicle repair and customization business in the shop on the property in the Low Density Residential, R2A, Zoning District. The applicant requests waiver of the paving and landscaping standards for the required parking. - Action Item

C. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP23-4 AND VARIANCE APPLICATION VAR23-1 BY THE LAMAR COMPANIES LLC FOR 226 W 22ND ST NORTH (ACTION ITEM): The

applicant requests conditional use permit approval to place a digital billboard in the General Commercial, C4, Zone. The applicant also requests a variance from minimum distance required between the proposed billboard and a street intersection. - Action Item

D. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR REZONE APPLICATION ZNC23-7 BY KEITH JACOBS FOR 1828 AND 1832 IDAHO STREET (ACTION ITEM)::

The applicant requests that the tax parcels RPL16700050140, RPL16700050120, and RPL16700050100, also known as 1828 and 1832 Idaho Street, be rezoned from High Density Residential, R4, Zone to General Commercial, C4, Zone. - Action Item

IV. STAFF-COMMISSION COMMUNICATIONS

A. QUERY OF COMMISSIONERS FOR THE DECEMBER 27, 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.

October 25, 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, Maureen Anderson; Cynthia Ball; Kathy Branson

COMMISSIONERS EXCUSED: Vice Chair; 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; Pat Severance, Engineering Development Supervisor; Mark Weigand, City Surveyor

II. CITIZEN COMMENTS

None

III. ACTIVE AGENDA

A. APPROVAL OF OCTOBER 11, 2023 MEETING MINUTES (ACTION ITEM)

Commissioners Branson and Anderson moved and seconded, respectively, approval of the October 11, 2023 meeting minutes with conditions. The motion carried 5-0.

B. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR APPLICATIONS ANX23-2, CPA23-3, ZNC23-4, BY GLEN SEEKINS (ACTION ITEM)

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

Staff Plaskon provided a verbal summary of the staff report with maps and photos so the commission could get geographically familiar with the area. The Fire Department provided comments for the staff report that stated the response time for this site is estimated to be 10 minutes and the average response time goal to 2-5 minutes. Nez Perce County provided comment for the staff report that stated this not an ideal situation from a parcel configuration point and a 911 emergency addressing point.

City Surveyor, Mark Weigand, provided a verbal summary of the comments he submitted for the staff report.

Commissioner Branson asked if the entire parcel was annexed would it erase any concerns.

Staff Plaskon stated probably not, though it would address the county island situation and illegal lot left over in the county, but it doesn't solve the problem of the lots not having access to sewer.

Commissioner Branson asked if there was any way a city sewer line could be installed.

Staff Plaskon stated if there was enough money it could.

Commissioner Ball asked if City properties are trying to move away from septic systems per the current comprehensive plan.

Staff Plaskon stated that is correct and any property annexed into the city should be connected to all City services.

Vice Chairperson Iacoboni asked who would respond if there would be a fire.

Staff Plaskon stated his understanding is not the City.

Commissioner Ball asked who O'Connor Road belongs to. Who would maintain the private road for the potential annexed property.

Staff Weigand stated it is listed as a private road with a prescriptive public easement. There are agreements between the City and the County for the maintenance of the road. The private road on the potential annexed property would need to have a homeowner association for maintenance.

There being no further questions of staff, Chair Busch asked the applicant for testimony.

Scott Becker with Hodge and Associates out of Moscow Idaho is representing the applicant. The reason the road way has a jog is due to the contour of the land and just follows the current access road. The small triangle piece of land that is being left out of this annexation is being left out because it sits 150 below the proposed annexed property. The lots will be connected to the City's water, but

sewer will be a septic system due to not have access to the City sewer main. They do plan to build that road to City standards or better.

Commissioner Branson asked how many homes they are proposing for home sites.

Mr. Becker stated they are not sure, but estimated and discussed possibly 20 lots.

Commissioner Ball asked how they would access their water and power.

Mr. Becker stated that the north portion of the parcel is where the water line would come in and they would be working with Avista for underground power.

Commissioner Branson asked about the south portion being annexed in as well.

Mr. Becker stated that the southern portion wasn't as usable and the applicant would like to keep it in the county to maintain the animal rights and keep some cows on that portion of the property.

Staff Plaskon stated the south parcel is the property owner's and if the parcel is zoned R1, this zone does have animal rights.

Commissioner Branson asked if the applicant would annex the entire track of land since they would still have animal rights, and just not develop the southern portion of the property.

Mr. Becker stated the owner is not interested in annexing the entire track of land.

Staff Tengono reminded the Commission of the City regulations for what a variance covers and the section of City code it applies to. So a variance would not be appropriate for other sections to City code, unless it was specifically provided for in city code that alterations to those requirements could be made.

Commissioner Anderson asked with the topography and this area, would the storm water runoff onto the lots below.

Mr. Becker stated the lots will be large enough to retain the storm water on it.

Commissioner Ball asked if the storm water could be retained on the small triangle of land at the north side.

Mr. Becker stated that would not be the best use for that parcel.

Commissioner Branson asked if there was any way around the time frame it would take the Fire Department to respond.

Mr. Becker stated he not aware of another way.

Staff Plaskon provided information from the Smart Growth America, Rationale for Smart Growth Fiscal Impact Analysis dated June 2022. Research shows that as residential density decreases the cost per residential unit increases regarding roads, sanitation, sewer, police and fire protection. When homes are built far away from fire stations and on dead-end roads or cul-de-sacs the cost rises. The reason is the community must provide additional costs such as new fire stations and employees to keep response time down. A table (1.3) illustrates capital costs per housing unit by development pattern. For example, for 1 dwelling unit per acre, the capital cost per housing unit is 8.36. For 1 dwelling unit per 5-acre lot, which is what development in an R1 would be is 4.27. This type of development is twice the cost as compared to urban development.

Commissioner Branson asked if the R1 would be able to have animal rights and would they be using City water for the 2-acre plot.

Staff Plaskon stated yes that an R1 has animal rights and water rights would be dependent upon the development, the owners might be able to drill a well.

Commissioner Ball asked if the property owner could have the county reconfigure the lot before coming to the city for annexation would that change anything in this process.

Staff Plaskon stated no, not unless the applicant pursued a subdivision plat in the county to legally divide the property and not a tax parcel adjustment.

Mr. Becker stated most of the cost regarding large lots vs small lots is paid by the developer.

Chair Busch asked if there was a developer in mind.

Mr. Becker stated the owner is planning on developing.

There being no further questions for the applicant, Chair Busch asked for public testimony.

Staff Ortiz played a voicemail from Tiger Crenshaw in opposition to the land use change, including concern about increased traffic.

Staff Plaskon stated traffic is addressed at the development stage not at the annexation stage.

Commissioner Branson stated that parts of O'Connor Road is not in good condition, would the road be repaired and who is responsible?

Staff Weigand stated that the county and city have an agreement on who maintains certain sections of the road, so it is a shared responsibility.

There being no further public comment, Chair Busch asked the applicant's representative for a rebuttal.

Mr. Becker stated that the taxes made from the annexed lot could be used to help with the repair of O'Conner Rd.

Chair Busch closed the public hearing.

During deliberation, Commissioners determined the development is not fully served with utilities and infrastructure, based on the lots not having services to city sewer and on a private road. Future uses of this land use will have higher costs to the taxpayer. This development does not encourage urban development due to the lots not being hooked up to city utilities and service is a private road.

After deliberation, Vice Chairperson Iacoboni and Commissioner Branson moved and seconded, respectively, to recommend to the City Council the request for ANX23-2, to be denied. Motioned passed 4-1.

Commissioner Branson and Vice Chairperson Iacoboni moved and seconded, respectively, to recommend to the City Council the request for CPA23-3, ZNC23-4 and comprehensive map amendment, to be denied. Motion passed 5-0.

IV. CONSIDER A RECOMMENDATION OF REMOVAL (ACTION ITEM):

Chairperson Busch and Commissioner Ball moved and seconded, respectively, to recommend the removal of Justin Merwin from the Lewiston Planning & Zoning Commission to the Mayor and City Council. Motioned passed 5-0.

V. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for November 8, 2023 meeting.

Staff Plaskon stated the Comprehensive Plan open house provided a good amount of public input. The consultant will start drafting goals and policies next and they should be brought before the commission in December.

All current commissioners plan to be in attendance for the November 8, 2023 meeting.

Staff Plaskon asked if Commission if they could attend the November 22, 2023 meeting. Commissioners Branson and Chairperson Busch would not be able to attend. Commissioners Anderson and Ball are unsure if they would be able to attend.

VI. ADJOURN

There being no further business, Commissioner Anderson and Chairperson Busch moved and seconded, respectively, to adjourn. The motion carried 5-0 and the Planning and Zoning Commission adjourned at approximately 7:16 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2023.

NOTICE OF PUBLIC HEARING

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

WEDNESDAY DECEMBER 13, 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:

CONDITIONAL USE PERMIT APPLICATION CUP23-5 BY BRIAN KRUEGER FOR 1407 POWERS AVE: The applicant requests conditional use permit approval to change a nonconforming use in order to operate his off-road vehicle repair and customization business in the shop on the property in the Low Density Residential, R2A, Zoning District. The applicant requests waiver of the paving and landscaping standards for the required parking.

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. 7200 or jplaskon@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 November 22, 2023, and 30 persons were noticed.

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

OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
ATKINS SUSAN &	ATKINS STEVEN	1401 POWERS AVE	LEWISTON	ID	83501
AUSTIN JASON HAROLD &	CORDER RENEE R	3708 14TH STREET C	LEWISTON	ID	83501
BAUMEISTER DOUGLAS F &	BAUMEISTER ALLANA B	3626 14TH ST	LEWISTON	ID	83501
BENING MICHAEL AUBREY		1422 27TH AVE	LEWISTON	ID	83501
BOWDEN DAVE &	BOWDEN TERRI	1413 POWERS AVE	LEWISTON	ID	83501
BROWN SHAD A &	BROWN JANA C	3623 14TH ST	LEWISTON	ID	83501
CHURCH CHRISTIAN & MISSIONARY	ALLIANCE INC	1330 POWERS AVE	LEWISTON	ID	83501
CROWLEY MATTHEW J &	CROWLEY KERI M	3704 14TH STREET C	LEWISTON	ID	83501
DIONNE DEBORAH P		3627 14TH ST	LEWISTON	ID	83501
FRASIER KELLIE M &	FRASIER RONALD P	3625 14TH ST	LEWISTON	ID	83501
GRACE PENTECOSTAL CHURCH INC		2502 SEAPORT DR	LEWISTON	ID	83501
HAGER TYSON M &	HAGER MALISSA L	3706 14TH STREET C	LEWISTON	ID	83501
HAMMOND JAMES C &	HAMMOND PATSY	3703 14TH STREET C	LEWISTON	ID	83501
HARDING JARED		3631 14TH ST	LEWISTON	ID	83501
HOFFMAN TODD &	HOFFMAN DARYCE	1418 ALDER AVE	LEWISTON	ID	83501
IDAHO REAL PROP DEV L L C		36108 MILLER RD	LEWISTON	ID	83501
JACKSON ANDREW B		3707 14TH STREET C	LEWISTON	ID	83501
JENNINGS CASSANDRA L &	JENNINGS MARCUS W	1405 POWERS AVE	LEWISTON	ID	83501
KLEIN MATTHEW S &	KLEIN JESSICA D	1107 HEMLOCK AVE	LEWISTON	ID	83501
LANEY TERI J	WILLMUTH CATHERINE MAY-LE	1411 POWERS AVE	LEWISTON	ID	83501
LEWISTON CITY OF		P O BOX 617	LEWISTON	ID	83501
NOSWORTHY KATHERINE R &	ZIMMERMAN ANTHONY W	3705 14TH STREET C	LEWISTON	ID	83501
ROWDEN JASON M		3628 14TH ST	LEWISTON	ID	83501
SCHUMACHER ROBERT M		1412 ALDER AVE	LEWISTON	ID	83501
SNYDER ALAN CRAIG		38665 SODAVILLE WATERLOO DR	LEBANON	OR	97355
STEELE DEBRA J		1414 ALDER AVE	LEWISTON	ID	83501
TAFOYA BENNIE &	TAFOYA SHELLEY R	3633 14TH ST	LEWISTON	ID	83501
VAN ZANTE SHERRILL NAOMI &	VAN ZANTE COREY LYNN	3710 14TH STREET C	LEWISTON	ID	83501
YTURRASPE VICTOR J &	YTURRASPE NADINE M	1408 ALDER AVE	LEWISTON	ID	83501



\$325.00

paid CC 11/2/23



STAFF USE ONLY

Case Number: CUP23-5
Hearing Date: 12-13-23
Nature of CUP Application: Change of
nonconforming use, per E.C.
Sec. 37-170(4)(F)

APPLICATION FOR CONDITIONAL USE PERMIT

(Pre-application meeting strongly encouraged)

Conditional use means a use permitted in a particular zone district upon showing that such use in a specified location will comply with all the conditions and standards as specified in Chapter 37 of the City Code, including any additional conditions of approval recommended by the Planning and Zoning Commission.

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

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

APPLICANT INFORMATION

Full Name: GRUEGER BRIAN S Date: 11/1/2023
Last First M.I.

Address: ~~1407~~ ~~POWELL~~ ~~AVE~~ 3524 13TH ST. C ~~213~~
Street Address Apartment/Unit #

LEWISTON ID 83501
City State ZIP Code

Phone: 208-790-3840 Email: HKMOTORSPORTS208@GMAIL.COM

OWNERSHIP INFORMATION

Property Owner Name: Matthew & Jessica Klein

Phone: 509 592 7109 Email: jessicaappleton789@gmail.com

Mailing Address: 1107 Humboldt Ave Lewiston ID 83501

PROPERTY INFORMATION

Street Address of Subject Property: 1407 B POWERS AVE.

Subdivision Name: _____ Block: _____ Lot: _____

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

Property Zoning: R-2A

NATURE OF YOUR REQUEST

PLEASE ANSWER THE FOLLOWING QUESTIONS ON A SEPARATE SHEET OF PAPER.

1. Please describe the nature of your conditional use request. You should address pertinent issues, which may include: number of employees, hours of operation, anticipated traffic volume increase, health, safety, compatibility with neighboring land use, site access, on-site traffic flow, off street parking, loading/unloading, pick-up/drop-off, landscaping, and other planned on-site improvements.
2. What public facilities and utilities are available to serve your site? Describe the adequacy to serve the use requested. You should provide specific information regarding water supply, sewage, traffic impacts, stormwater detention and drainage, garbage service and other pertinent utilities and services.
3.
 - a. Will the proposed use result in conditions that will tend to generate nuisances (including but not limited to noise, dust, glare, vibrations, odors and the like) and, if so, how will the nuisances be mitigated?
 - b. Describe how/why the proposed use is a public necessity or, if it is not, describe how it is a benefit to the public.
 - c. Describe how the character of the proposed use, if developed according to the plans as submitted, will be in harmony with the area in which it is to be located.
 - d. Describe how the proposed use will not endanger the environment or the public health or safety.
 - e. Describe how the proposed use will be in substantial conformance with the comprehensive plan of the city.

PLAN INFORMATION

Site plans and floor plans are required. Floor plans shall accurately depict room sizes and uses, as well as doorways, windows, walls, hallways and stairways. Building elevation drawings may also be required, as determined by the City Planner.

Site plans shall include the following:

- ☐ Property lines, including dimensions;
- ☐ Street address or legal description;
- ☐ North arrow and scale;
- ☐ Setbacks between buildings and property lines;

- ☐ All building locations, size and uses, labeled as existing and/or proposed;
- ☐ Driveways and parking spaces;
- ☐ Landscaping;
- ☐ Location of garbage dumpsters
- ☐ Other information, as directed by the Community Development Director, necessary to fully explain and describe the nature of the request.

The plans, as approved or modified by the Planning and Zoning Commission, shall be deemed a part of the applicant's conditional use permit and all use and development shall comply with the plans, application and conditions of approval set by the Planning and Zoning Commission, as well as all applicable City Codes. Nothing in a conditional use permit approval shall be interpreted as allowing the owner or applicant variation from current ordinances, that were not specifically addressed at the time of conditional use permit approval.

APPLICATION SUBMITTAL AND PROCESSING

Incomplete applications will not be processed.

Application fee must be paid at the time of submittal.

Expect a five to seven working day application review period prior to commitment to schedule the required public hearing. Corrected or additional information may be required after application submittal, based upon application review.

APPLICANT'S CERTIFICATION

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

Signature of Applicant:

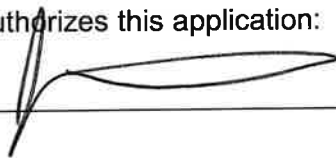


Date:

11/1/2023

The Property Owner hereby authorizes this application:

Signature of Owner:



Date:

11/1/23

Answers to questions for nature of request

1. The address of the business is 1407 B Powers Ave Lewiston, Idaho. HK Motorsports will be open Monday through Friday 9:00A.M to 5:00P.M, and will operate with its 2 owners and no additional employees at this time. The anticipated traffic increase should be basically unnoticeable due to the busy nature of being near the intersection of Powers Ave and Thain Rd. There is ample room for customers to drop off and pick up their machines which will be the majority of what customers will be doing at the shop. For customers not dropping off there are 6 parking spots for single vehicle parking, 1 of which will be designated, with signage, for handicap accessible parking. The parking lot is compact gravel and there is a concrete walk way that edges right up to the parking spot that will make it very easy for persons with disabilities to park and enter the building. We are asking for an exemption to the paving, striping and landscaping due to the fact that we have ample parking that it does not need to be striped in order to fit the required number of parking spaces for the square footage of the building. Also the requirement for landscaping is primarily for shade for extended stays inside of a location for which our business will not need. The average time that a customer will be inside the office should only be around 15 minutes, just long enough to pay for services and receive an explanation of repairs completed. There will only be small maintenance parts and accessories for sale as retail sales not a large inventory to shop through. As for paving due to the nature of the business being an off road vehicle repair shop, the vehicle that will typically be showing up to drop of will be pickups and since the parking area is compacted gravel even small cars are more than capable of traveling on the surface and is also compacted enough that it is not a trip hazard for customers to walk on.
2. The shop has a restroom that will be available for customer use attached to the showroom/ customer reception area that is separated from the shop area. As for storm water there is a city storm water drain directly in front of the shop garage door. All garbage receptacles will be stored behind the building out of public view.
3. A. The shop is fully insulated which will mitigate noise from machines being worked on or test run. There is an exhaust fan in the shop area so that most machines will be able to be test run inside the shop as to not disturb the surrounding area.

B. Recreation is very popular in our valley and surrounding areas. With the very high number of owners of powersports vehicles they need a honest shop with a very high standard of quality repair to take care of their recreational vehicles. The surrounding cities within an hour have very few places to take their recreational vehicles for repair and having a quality repair shop in the valley will help to bring in outside of the

community tax dollars from areas such as Pullman, Moscow, Colfax, Craigmont, Grangeville, among others, which will benefit our community.

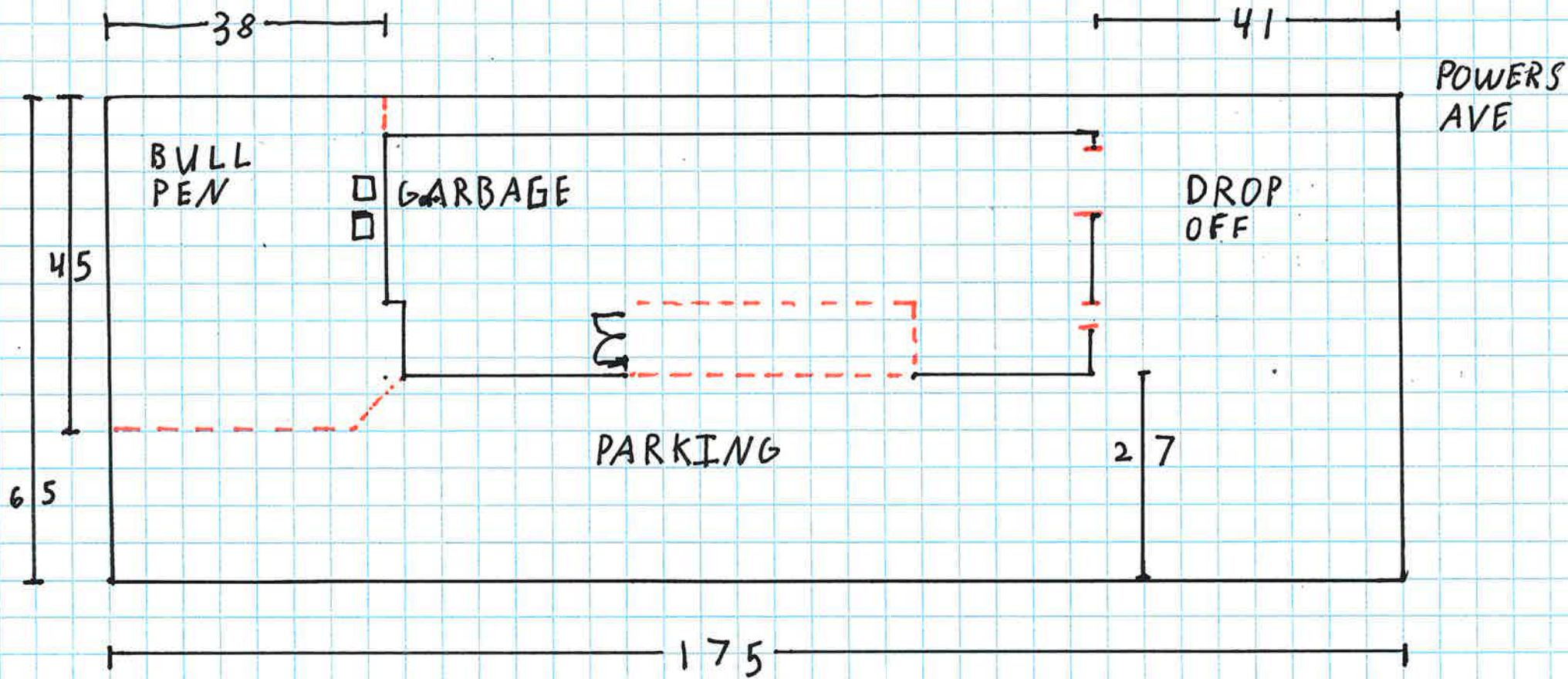
C. The proposed use of the building will fit in with the area since the zoning that is directly across the street, south, and extends to the middle of the roadway, 12 feet away, is zoned C3 commercial use and west of the property about 150 feet is also zoned as commercial. Due to the proximity of other commercial locations and commercial zoning the shop will fit in well with the surrounding area.

D. The proposed use of the building will not endanger the environment. Any hazardous materials will be stored as per code and will be disposed of using companies that are certified in the handling and disposal of said materials.

E. In the very first sentence of the City's comprehensive plan "Job creation will continue strong, with Valley Vision successful in creating at least one thousand living wage jobs in the next several years. These high quality jobs will enable the youth of Lewiston to return to or remain at home to make a life for themselves and their families." I believe this statement applies perfectly to what our city, and HK Motorsports, is striving for. The growth of new business in Lewiston is a net positive for the entire community. Not just from a tax revenue stand point but also when a community supports and encourages new business it is much more likely that said business will support its community back, such as more job creation, supporting schools, donating time and or money to community benefiting projects. Also the comprehensive plan for the city states "we will make sure there is adequate land available for the expansion of our commercial business sector" which is exactly what we are asking to be done.

1407
Powers Ave STE B

HK MOTORSPORTS



NORTH
←

SCALE
1 5 FT
15 FT

SCALE

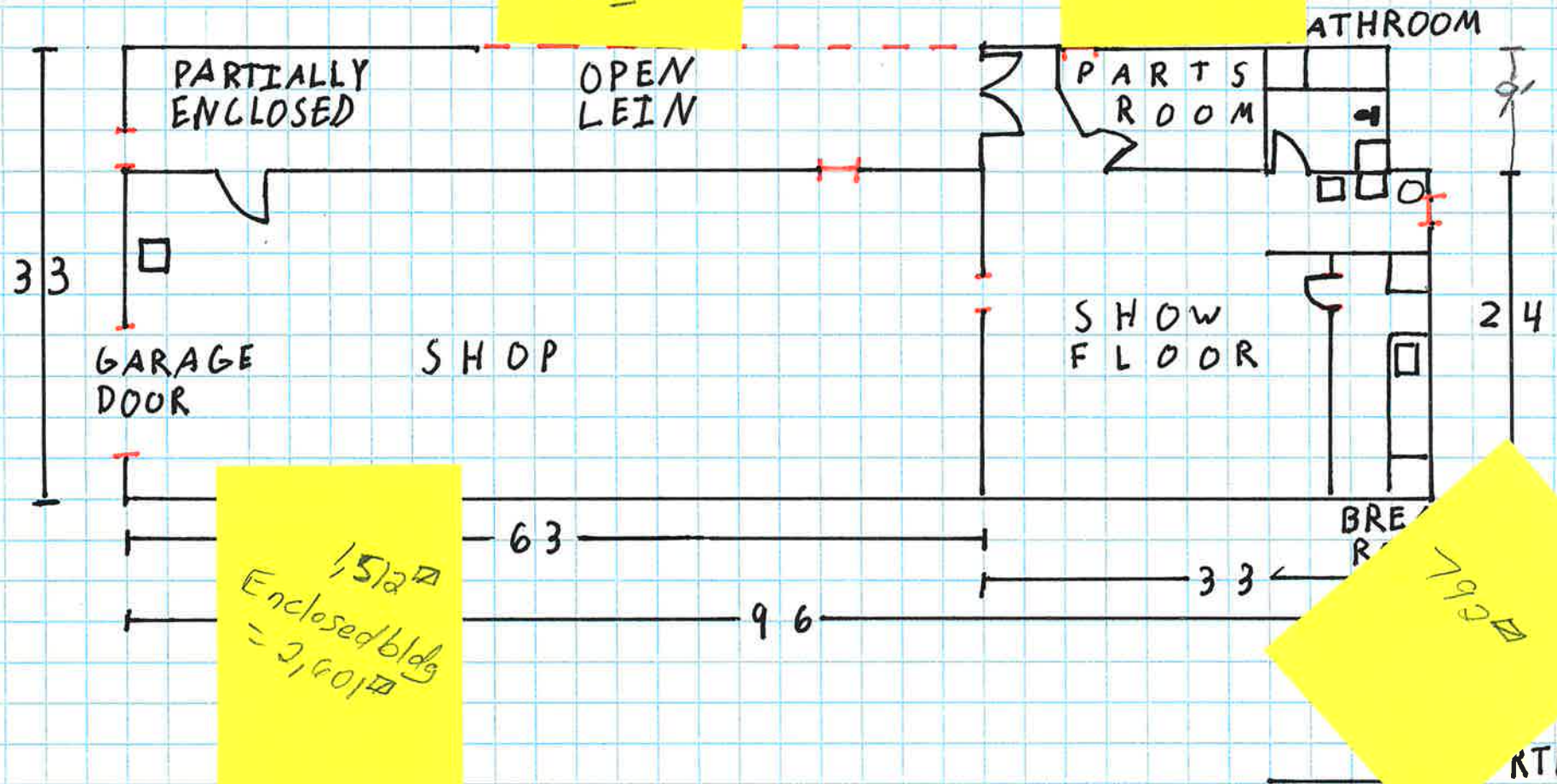
9 FT

3 FT

HK MOTORSPORTS

567 sq ft
Partially +
unenclosed
bldg

297 sq ft



1407
POWERS Ave STE B

21435432

Instrument # 897877
NEZ PERCE COUNTY, IDAHO
03-07-2022 02:17:26 PM No. of Pages: 2
Recorded for: TITLEONE - LEWISTON
PATTY WEEKS Fee: \$15.00
Ex-Officio Recorder Deputy Raqual Lewis
Index to: WRNTY/QCD (101)
Electronically Recorded by Simplifile

WARRANTY DEED

MPK
Jdk
For Value Received, LARRY SCHWAB, also shown of record as LARRY R. SCHWAB, a married man dealing with his sole and separate property, as Grantor, does hereby grant, bargain, sell and convey unto MATTHEW S. KLEIN and JESSICA D. KLEIN, husband and wife, the Grantees, whose current address is 1107 Hemlock Avenue, Lewiston, Idaho 83051, all of his interest in the following described premises situate in the County of Nez Perce, State of Idaho, to-wit:

Parcel I:

Commencing at the monument located at the centerline of Powers Avenue and 14th Street; thence East following the centerline of Powers Avenue, a distance of 180 feet to the POINT OF BEGINNING; thence continuing East on the centerline of Powers Avenue, a distance of 150 feet; thence North following the East line of Lot 5, Block 50, Lewiston Orchards Tract No. 8, a distance of 195.71 feet; thence South 89°20' West a distance of 150 feet; thence South 0°07' East to the POINT OF BEGINNING, the above being a part of Lot 5, Block 50 Lewiston Orchards Tract No. 8, according to the recorded plat thereof, recorded in Book 2A of Plats, Page 70, records of Nez Perce County, Idaho, measurements being from the centerlines of adjacent streets and alleys.

Parcel II:

The East 164.65 feet of Lot 5, Block 55, Lewiston Orchards Tract No. 6, according to the recorded plat thereof, records of Nez Perce County, Idaho, measurements being from the centerline of adjacent streets and alleys.

SUBJECT TO title to, and easements in, any portion of the land lying within any highways, roads, streets, or other ways.

SUBJECT TO an easement for the purpose shown therein, and rights incidental thereto, as set forth in a Correction Deed recorded April 26, 1965, as Instrument No. 308948, records of Nez Perce County, Idaho.

SUBJECT TO rights of tenants in possession.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said

Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that he is the owner in fee simple of said premises; that the premises are free from all encumbrances except those set forth above, and taxes, levies and assessments for 2021 and thereafter; and that he will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal this 25th day of February, ~~2021~~ 2022.

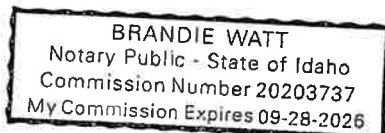
GRANTOR:

Larry R Schwab
LARRY SCHWAB, also shown of record
as LARRY R. SCHWAB

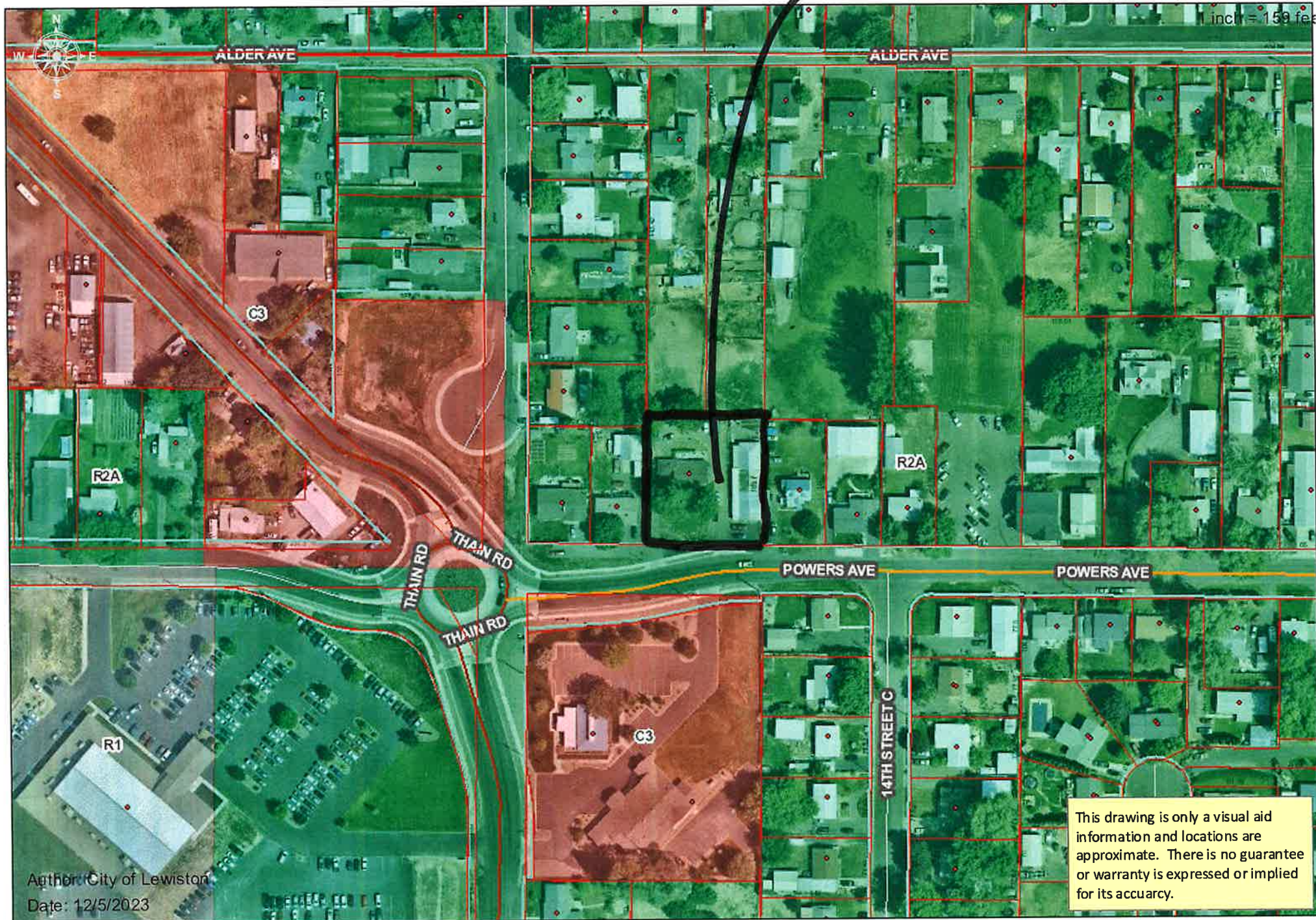
STATE OF IDAHO)
: ss
County of Nez Perce)

On this 25th day of February, 2022, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared LARRY SCHWAB, also shown of record as LARRY R. SCHWAB, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Brandie Watt
Notary Public in and for the State of Idaho,
residing at Moscow ID.
My commission expires 09-28-2026







PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: November 29, 2023

Case File Number: CUP23-5

Applicant: Brian Krueger

Property Owner: Matthew and Jessica Klein

Site Location: 1407 Powers Ave

Request/Proposal:

The applicant requests conditional use permit approval to change a nonconforming commercial use in the Low Density Residential, R2A, Zoning District. He proposes to operate an off-road vehicle (including ATVs, motorcycles, and side-by-sides) repair and customization business in the existing shop on the property, pursuant to Zoning Code Sec. 37-170(4)(f).

Subject Property and Surrounding Land Uses:

The subject property is used primarily for rental single family home. However, it also has a history of nonconforming commercial uses operating in the detached accessory building on the property. Such businesses have included an auction house, firearms and ammunition sales, and an auto and RV repair. Immediately surrounding land uses are all single family residential. Immediately to the south, across Powers Ave, are endoscopy and gastroenterology businesses.

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

Not applicable.

Code References:

Sec. 37-170. - Nonconforming uses of structures or of structures and land in combination.

If a lawful use involving nonconforming individual structures with an assessed value of one thousand five hundred dollars (\$1,500) or more, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the zone under the provisions of this article, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(4) Any lawful use of a building existing at the effective date of the ordinance codified in this chapter may be continued, even though such use does not conform to the provisions hereof. A nonconforming use of a building may be changed to another nonconforming use of the same or of a more restrictive classification. A use shall be determined to be equally or more restrictive by the community development director and based on, but not limited to:

a. The number of off-street parking spaces required of the previous use and proposed new use, as provided in article VII, off-street parking and loading, of this chapter;

b. The amount of traffic generated by the previous use and the proposed new use;

c. The amount of on-site vehicle or equipment storage required of the previous use and proposed new use;

d. The hours of operations of the previous use and proposed new use;

e. Noise, dust, vibration, odor, and other elements potentially harmful to the value or enjoyment of surrounding properties;

f. The applicant of the proposed change of use shall contact all property owners and tenants within three hundred (300) feet of the property on which the change of use is planned. The notification shall provide details of the proposed use 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 change of use. The applicant 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 applicant shall apply for a conditional use permit as provided in article IX of this chapter.

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

(a) Uses designated in this chapter as conditional uses may be permitted upon authorization by the commission in accordance with the standards and procedures established in this article. The commission may impose, in addition to those standards and requirements expressly specified by this chapter, any

additional conditions which it considers necessary to protect the best interests of the surrounding property or the city as a whole. Those conditions may include, but are not limited to:

(1) More restrictive standards than generally required, such as increased lot or yard size, with limitations or increased parking space requirements;

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

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

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

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

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

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

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

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

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

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

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

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

change in use shall be subject to the regulations of the zone in which it is located.

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

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

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

(1) A building permit pursuant thereto has been applied for;

(2) Where no building permit is required, the intent of the conditional use has been fulfilled; or

(3) Substantial progress towards completion of the project has been accomplished, as determined by the community development director.

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

(1) Application for extension is received prior to the expiration date;

(2) The conditional use remains consistent with the comprehensive plan and conditional uses allowed with the zone;

(3) The applicant can show progress towards establishing the conditional use;

(4) The applicant can show that circumstances specific to the conditional use and beyond the applicant's control warrant an extension of time.

Sec. 37-34. - R-2a low density residential zone.

Purpose. To provide land for lower density residential development with the keeping of livestock as a conditional use.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4161, § 4, 7-1-96; Ord. No. 4249, § 13, 10-25-99)

Sec. 37-35. - Uses permitted outright.

In an R-2A 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) Manufactured home park, subject to the provisions of chapter 23 of this Code, with a maximum density of nine (9) dwelling units per acre;
- (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) Tiny house village, subject to the provisions of chapter 23 of this Code, with a maximum density of nine (9) dwelling units per acre;
- (12) Two-family dwelling.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 14, 10-25-99; Ord. No. 4385, § 5, 2-14-05; Ord. No. 4398, § 8, 1-9-06; Ord. No. 4841, § 6, 11-14-22)

Sec. 37-36. - Conditional uses permitted.

In an R-2A 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) Keeping of livestock, subject to the standards of sections 37-195 through 37-199 of this Code;
- (6) Long-term care facility;

- (7) 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;
- (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 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;
- (14) 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;
- (15) Manufactured home park, subject to the provisions of chapter 23 of this Code, with a density greater than nine (9) dwelling units per acre;
- (16) Small lot development subject to the requirements of section 37-33, standards for small lot development;
- (17) Tiny house village, subject to the provisions of chapter 23 of this Code, with a density greater than nine (9) dwelling units per acre.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 15, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4354, § 2, 3-29-04; Ord. No. 4385, § 6, 2-14-05; Ord. No. 4398, § 9, 1-9-06; Ord. No. 4433, § 3, 1-9-06; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4531, § 3, 7-13-09; Ord. No. 4656, § 2, 3-28-16; Ord. No. 4676, § 5, 11-28-16; Ord. No. 4742, § 2G, 8-19-19; Ord. No. 4799, § 4, 3-8-21; Ord. No. 4841, § 7, 11-14-22)

Sec. 37-37. - Lot size.

In an R-2A 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 four thousand (4,000) 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 seventy (70) feet.

(5) Lot depth shall be a minimum of one hundred (100) feet.

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

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4381, § 2, 1-24-05; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4676, § 6, 11-28-16)

Sec. 37-38. - Yards.

Except as provided in article VIII, in an R-2A 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 that on corner lots the side yard on the street side shall be a minimum of fifteen (15) feet 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.

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-39. - Lot coverage.

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

(Ord. No. 4108, § 2, 8-15-94)

Sec. 37-40. - Height of buildings.

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

Comprehensive Plan:

The subject property is located in Comprehensive Plan Neighborhood #6, Central Orchards, and is designated Low Density Residential on the Future Desired Land Use Map. Statements from the Comprehensive Plan which may be considered relevant to this application include the following:

From Chapter 6, Land Use (in general):

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

LU-10.5: Do not permit the development of isolated commercial uses in noncommercial neighborhoods. LU-10.6: Limit the size, configuration (compact) and location of neighborhood commercial nodes. Limit uses in such nodes to convenience services.

LU-11.1: Restrict neighborhood commercial nodes to a compact configuration.

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

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

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

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

From Chapter 10, Transportation:

Powers Avenue is a designated collector street in the city's street network with excellent pavement condition. Its intersection with Thain Road (only 340' from the subject property) is well managed and free-flowing via a new roundabout.

Input From Other Departments/Agencies:

Public Works, Engineering says: "Due to the limited number employees (two) & hours of operation (Mon-Fri; 9AM-5PM) no traffic impact statement is needed and there is no objection to this CUP application."

The Lewiston Fire Marshal says: "Fire has inspected and approved the occupancy through the Business License process."

Analysis:

The subject property has a limited history of nonconforming commercial use in the shop, dating to 2004, with records of it only running through 2006. Those businesses were an auction house, a photo lab, firearms and ammunition sales, and auto and RV repair. We have no record of an allowed business operating from the subject property since 2006.

Other than home occupations, business uses may be allowed in residential zones only through the conditional use permit process, but even then only limited business uses may be allowed, as shown in Zoning Code Sec. 37-36 for the applicable R2A Zone included on pages five and six of this staff report.

Residential zones are intended primarily for residential uses. Although the list of allowable home occupations is lengthy, home occupations are limited in the type and size of business allowed and, therefore, considered an accessory use to the home on the property. For reference, see the related Zoning Code provisions provided as an attachment to this staff report.

The applicant proposes to use the shop on the property to conduct off-road vehicle repair and customization, with two employees total, including the applicant (business co-owner). The business would operate from 9 a.m. to 5 p.m., presumably for five days a week, Monday through Friday (*the application does not specify days of operation, so that is a question the applicant should be asked by the Planning & Zoning Commission on the record during the public hearing*).

One of the factors appropriate in consideration of this application is the scale (size/extent/capacity) of the business operation. Scale of the proposed type of business is mostly determined by number of employees and size (area/square footage) of building and/or outdoor business use. The larger the scale of the business, the more likely the adverse impact to surrounding residential uses, traffic, environment, etc.

HK Motorsports is proposed to begin with two employees and operate in a building that is roughly 3,000 square feet (enclosed and unenclosed areas combined), with 2,601 square feet of that being enclosed shop floor area. Note, for comparison, that the average detached accessory "shop for a residential use (though this application is for a business use) is approximately 1,200 square feet. The area proposed for outdoor use for the business, excluding parking, is approximately 1,700 square feet. This area (the "bullpen"- outdoor parts and equipment storage) is located on the north side of the building. The application does not state whether this area is or will be fenced and/or if any fencing is or will be site-obscuring for the benefit of neighbors.

There appears to be sufficient room for parking to accommodate the minimum number of required parking spaces on the subject property. That minimum is two parking spaces for the two-bedroom home (one per bedroom) and five for the proposed business (one per 600 square feet of building floor area, plus one per

two employees). An ADA compliant parking space (flat, paved, signed, striped and marked and located close to the building's main entrance) is required by Federal Law.

Parking lots (areas for required parking for more than four vehicles for business or multi-family residential uses) are required to be paved and landscaped. The applicant is requesting that the Planning and Zoning Commission waive the paving, striping and landscaping requirements for his proposed business parking. The existing driveway and parking areas are gravel. While not meeting the parking lot landscaping standards of the Zoning Code, there are several mature trees on the property. Ingress and egress to/from the subject property is well controlled with two new, concrete driveway approaches, one on either side of the property. Vehicle entry and exit to/from the subject property is also well managed via a driveway that loops around the back of the property, so that vehicles do not have to back out onto the street.

The following is an analysis of potential nuisance issues regarding CUP23-5:

Commercial uses can have various adverse impacts to surrounding residential uses, so commercial uses are, generally, best located amongst other commercial uses. While the subject property is primarily adjacent to residential properties, residents of most of them, for a variety of reasons, should be expected to have little to no visual impact from the proposed use. Likewise, relative to noise and traffic. There is a large (2.3 acres) commercial property directly across Powers Avenue. The subject property is 0.57 acre, but only 0.23 acre of it is proposed for the commercial use.

Outdoor storage can be an eyesore. However, the proposed bullpen would be behind the building out of the view of the street and out of view of the adjoining neighbors.

Outdoor lighting, especially security lighting, can be a nuisance to neighbors. The applicant has not addressed the matter of security or other outdoor lighting.

Traffic increase resulting from the proposed business is not expected to be significant due to the nature and scale of the business. See related comment from Public Works, Engineering under "Input from Other Departments/Agencies" on page eight of this report. Regardless, land uses more intense than single family residential are generally encouraged and expected along collector streets, such as Powers Avenue, which provides access to the subject property. Since the subject property is only 340' from Thain Road (a minor arterial street), it will not put undue commercial traffic through a residential neighborhood. There is also curb gutter and sidewalk in front of the subject property.

Noise from the proposed business could be a significant concern. Vehicle maintenance, repair and modification have inherent, nuisance noise-level potential (particularly from use of air impact wrenches and from running and/or revving of un-muffled or "souped-up" vehicle exhaust systems). Note, however,

that the applicant states in his application that noise will be mitigated by virtue of the fact the building is insulated and that vehicles will only be test run within the building. The applicant should be aware that Lewiston City Code Sec. 24-40 limits noise to a maximum of sixty decibels, as measured at the property line common with residential neighbors, and eight decibels, as measured at the Powers Avenue right of way line.

Environmental pollution/contamination can be a concern when it comes to vehicle maintenance and repair, particularly relative to liquid contaminants. The applicant states in his application: "The proposed use of the building will not endanger the environment. Any hazardous materials will be stored as per code and will be disposed of using companies that are certified in the handling and disposal of said materials."

Advertising signs can be a visual distraction and incompatible with their particular environment. The Planning and Zoning Commission and the applicant should be aware of the following provisions of Sec. 30-12 of the Sign Code:

(a) The following signs are authorized in all residential zones without a sign permit:

- (1) One (1) temporary sign no larger than six (6) square feet.
- (2) One (1) window sign no larger than two (2) square feet in one (1) window on the property or one (1) wall sign no larger than two (2) square feet next to one (1) door on the property. Such window sign or wall sign may be an internally illuminated sign, but shall not be an animated sign.
- (3) One (1) temporary sign, no larger than six (6) square feet when the property on which the temporary sign is placed is being offered for sale, lease, or rent. Such temporary sign shall be removed within fifteen (15) days after such property is sold, leased, or rented.
- (4) Bench signs, so long as such signs are not visible from the public right-of-way.

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

(b) Within a residential zone, a property owner shall secure a sign permit prior to placing any other sign on the owner's property.

(c) Unless otherwise provided, the following regulations apply to all signs within residential zones:

- (1) Signs may be internally illuminated signs. If a sign is an internally illuminated sign, the illumination shall be constant and not animated.
- (2) Billboards, electronic message centers, roof signs, and wall art displays that include electrical or mechanical components are prohibited.
- (3) Signs may be placed anywhere on the property; provided, however, no sign shall be placed in a clear vision area or in an area to be dedicated as public right-of-way.
- (4) Bench signs are prohibited in all residential zones, unless such signs are not visible from the public right-of-way.

(5) No sign shall exceed six (6) square feet per dwelling unit; provided, that the total area of all signs located on a lot shall not exceed thirty-two (32) square feet.

(6) A subdivision may have one (1) ground monument sign per entrance to such subdivision no larger than thirty-two (32) square feet. Such sign(s) shall be placed at the entrance(s) of the subdivision, but not within a clear vision area or in an area to be dedicated as public right-of-way.

(7) Ground monument signs and freestanding signs shall not exceed six feet in height.

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

(9) No more than two (2) signs shall be allowed per lot street frontage.
(d) A property owner who obtains a conditional use permit in a residential zone shall comply with the requirements of this section unless the planning and zoning commission modifies such requirements as part of the conditional use permit.

Should the Planning and Zoning Commission be inclined to approve CUP23-5, the following is a list of potential conditions of approval for consideration (staff is happy to discuss factors related to these matters with the Commission at the meeting):

1. Site obscuring fencing for the bullpen
2. Parking lot landscaping compliant with Zoning Code Sec. 37-153
3. Parking lot and driveway paving and parking lot striping to adopted city standards
4. Limit the days and/or hours of business operation
5. Limiting the maximum number of employees of the business, in case of future business growth
6. Business related street parking shall not be allowed
7. No business related vehicles allowed to back into street
8. No retail sales, except as an accessory use, i.e. to customers already there for vehicle repair or customization
9. Increasing or decreasing the signage allowance from that allowed by Sign Code Sec. 30-12, which is listed herein above
10. Specifying that no outdoor work on vehicles is allowed
11. Limiting outdoor lighting for the business such that it be screened, shielded, designed, placed, and/or located so as not to cause nuisance glare or trespass onto neighboring properties.

Relevant Criteria and Standards:

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

- (1) The proposed use (will/will not) result in conditions that will tend to generate nuisances (including but not limited to noise, dust, glare, vibrations, odors and the like) or, if so, that any anticipated nuisances will be appropriately mitigated.
- (2) The proposed use (is/is not) a public necessity (and/but) (is/is not) justified by the applicant and deemed to be of benefit to the public.
- (3) The character of the proposed use, if developed according to the plan as submitted, (will/will not) be in harmony with the area in which it is to be located.
- (4) The proposed use (will/will not) endanger the environment or the public health or safety.
- (5) The proposed use (will/will not) be in substantial conformance with the comprehensive plan.

Prepared By:

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jplaskon@cityoflewiston.org
P.O.B 617
Lewiston, ID 83501

Sec. 37-3. - Definitions.

As used in this chapter:

A *Home occupation* means an activity, profession, or craft carried on entirely within a residence by the occupants; which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character thereof, is conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term; so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a nameplate, as permitted; and which does not infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their homes.

ARTICLE VI. - HOME OCCUPATIONS

Sec. 37-140. - Statement of purpose.

It is the intent of this chapter to promote and encourage economic activity and entrepreneurship within the city while protecting residential neighborhoods from the negative impacts of commercial use of residential dwellings. The City of Lewiston recognizes that, in general, unrestricted commercial activity, and specifically certain types of businesses, are incompatible with the enjoyment of residentially zoned property and may be detrimental to residential property values. The City of Lewiston further recognizes that homeowners have an expectation that their investment in their home is also an investment in their neighborhood, and that this investment comes with certain rights and responsibilities.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4393, § 2, 3-14-05)

Sec. 37-140.1. - General provisions.

- (a) A home occupation is an activity, profession, or craft carried on entirely within a residence or associated accessory buildings by the occupants, which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character of it; is conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term; so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence; and which does not infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their homes.
- (b) Home occupations may occupy an area of a dwelling or an accessory building not to exceed twenty-five (25) percent of the gross floor area of the dwelling. Home occupations may occupy more than twenty-five (25) percent of the gross floor area of the dwelling or accessory building when approved with a conditional use permit as provided in article IX of this chapter, except that swimming instruction shall be exempt from this requirement.
- (c) Not more than one (1) person other than members of the family residing in the residence shall be engaged in such occupation at the premises.
- (d) No exterior displays, including window displays or lawn displays, are allowed.
- (e) No outdoor storage shall be permitted.
- (f) No regularly occurring outdoor activity, except as allowed in this chapter.
- (g) No home occupation shall be conducted in such a manner, and/or no materials or mechanical equipment shall be used, which will be detrimental to the residential use of said residence or cause a nuisance to surrounding residences, because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
- (h) The cumulative impact of multiple home occupations licensed at a single address shall not exceed the criteria set for a single home occupation.
- (i) Where a combination of dwelling unit and accessory building is used for a home occupation, the total area in use may not exceed that allowed for a single home occupation.

(Ord. No. 4393, § 3, 3-14-05; Ord. No. 4531, § 14, 7-13-09; Ord. No. 4692, § 16, 10-30-17)

Sec. 37-141. - Permitted home occupations.

Authorized home occupations include, but are not limited to, the following and are subject to the following provisions:

- (1) Artists and craftpersons, including, but not limited to, visual artists, photographers, authors, sculptors, dressmakers, seamstresses, tailors, gunsmiths, and home crafters. Conditional use permits authorizing this home occupation to exceed twenty-five (25) percent of the gross floor area of the dwelling shall be approved only for the applicant for said permit and shall not be transferable to a subsequent owner.
- (2) Family day care, not to exceed six (6) children excluding the children, stepchildren, or foster children of the day care provider.
- (3) Instruction, including, but not limited to, tutoring, music, craft, dance, yoga, or athletic instruction.

Conditional use permits authorizing this home occupation to exceed twenty-five (25) percent of the gross floor area of the dwelling shall be approved only for the applicant for said permit and shall not be transferable to a subsequent owner.

No more than twelve (12) persons shall receive instruction at any one time.

- (4) Professions, generally those that require state licensing or board certification, including but not limited to physicians, chiropractors, dentists, lawyers, architects, engineers, counselors, real estate, business services, and financial consulting.
- (5) Personal services, including but not limited to hairdressers, barbers, and masseurs.
- (6) Construction/contracted trades and services, including, but not limited to, general contractors, carpenters, plumbers, electricians, landscape contracting, lawn care services, and pest control. Conditional use permits authorizing this home occupation to exceed twenty-five (25) percent of the gross floor area of the dwelling shall be approved only for the applicant for said permit and shall not be transferable to a subsequent owner;
 - a. No construction material shall be stored outside;
 - b. No pesticides or herbicides may be stored outside;
 - c. No heavy equipment such as backhoes, dump trucks, or scrapers may be stored on the premises;
 - d. Contractors may not operate a contractor's storage yard in any residential zone.
- (7) Sales, including but not limited to phone sales, Internet sales, in-home product presentation, and travel agents, but not including on-site retail sales from the premises, with the following limitations:
 - a. All inventory must be stored within the allowed area of the home occupation.
 - b. No more than two (2) delivery trips per day may be generated by the business.
- (8) Repair and refinishing, including but not limited to electronics, appliances, and bicycles. The items being repaired or refinished shall not be stored outside.

Conditional use permits authorizing this home occupation to exceed twenty-five (25) percent of the gross floor area of the dwelling shall be approved only for the applicant for said permit and shall not be transferable to a subsequent owner.
- (9) Farm stand, limited to sales of fruits and vegetables grown by the owner and for sale at property of the owner, with the following limitations:
 - a. Sales in the required front yard shall not obstruct traffic or cause a sight obstruction for traffic.
 - b. Sales must be seasonal in nature.
- (10) Other uses not specifically enumerated herein may apply for a conditional use permit in accordance with provisions of article IX of this chapter, conditional use permits.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4393, § 4, 3-14-05; Ord. No. 4531, § 14, 7-13-09)

Sec. 37-142. - Home occupations not permitted.

The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home occupation, or have a tendency to produce objectionable noise and other nuisances, and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations:

- (1) Auto repair, minor or major, including customization or painting;
- (2) Motorcycle repair, major or minor, including customization or painting;
- (3) Cabinet shop;
- (4) Furniture refinishing or upholstery;
- (5) Gift shop or antique shop;
- (6) Painting of vehicles, trailers or boats;
- (7) Photo developing, retail;
- (8) Wood lots and on-premises firewood sales;
- (9) Businesses in which more than one (1) person, not an occupant of the residence, reports to the site of the business office to receive work assignments, material or payroll;
- (10) Repair of any internal combustion engines;
- (11) Nursery or garden shop;
- (12) Contractor's storage yard;
- (13) Manufacturing, except those activities consistent with the statement of purpose for home occupations;
- (14) Machining.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4393, § 5, 3-14-05)

Sec. 37-143. - Administration.

- (a) All home occupations must have an approved City of Lewiston business license.
- (b) Application for home occupations must be made on forms provided by the City of Lewiston and all applicable fees must be paid. Applications shall be reviewed by all applicable departments of the City of Lewiston and outside agencies. Additional conditions for operation of the home occupation may be required by the community development director in addition to the standards provided in section 37-141. Decisions regarding approval or denial of a home occupation may be appealed to the Lewiston Planning and Zoning Commission pursuant to section 37-192.
- (c) Licenses for home occupations must be renewed annually.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4393, § 6, 3-14-05)

Sec. 37-144. - Reserved.

Editor's note— Ord. No. 4393, § 7, adopted March 14, 2005, repealed § 37-144, relating to conditional use permits for home occupations, which derived from Ord. No. 4108, § 2, adopted August 15, 1994.

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

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

I. APPLICATION NUMBER:

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 SUBJECT CONDITIONAL USE PERMIT APPLICATION:

VII. DECISION:

The Lewiston Planning and Zoning Commission [APPROVES/DENIES] XXX.

VIII. CONDITIONS OF APPROVAL:

Pursuant to Lewiston City Code § 37-160, the Planning and Zoning Commission may impose conditions upon approval of a conditional use permit. This conditional use permit is subject to the following conditions:

XXX.

IX. TERMINATION OF CONDITIONAL USE PERMIT:

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

- (1) A building permit pursuant thereto has been applied for;
- (2) Where no building permit is required, the intent of the conditional use has been fulfilled; or

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR CUPxx-xxxxxx

(3) Substantial progress towards completion of the project has been accomplished, as determined by the community development director.

X. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

XI. RELEVANT CRITERIA AND STANDARDS:

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

1. The proposed use **(will/will not)** result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated. Applicable commentary:
2. The proposed use **(is/is not)** a public necessity **(and/but)** **(is/is not)** justified by the applicant and deemed to be of benefit to the public. Applicable commentary:
3. The character of the proposed use, if developed according to the plan as submitted, **(will/will not)** be in harmony with the area in which it is to be located. Applicable commentary:
4. The proposed use **(will/will not)** endanger the environment or the public health or safety. Applicable commentary:
5. The proposed use **(will/will not)** be in substantial conformance with the Comprehensive Plan. Applicable commentary:
6. Pursuant to Idaho Code § 67-6512, the conditional use permit may be granted subject to the ability of political subdivisions, including school districts, to provide services for the proposed use. Applicable commentary:

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:

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR CUPxx-xxxxxx

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

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

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Tanya Brocke, Community Development Specialist

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 DECEMBER 13, 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:

CONDITIONAL USE PERMIT APPLICATION CUP23-4 BY THE LAMAR COMPANIES LLC TO INSTALL A BILLBOARD AT 226 W 22ND ST N: The applicant requests conditional use permit approval, for a digital billboard in the General Commercial, C4, Zone and the Billboard, BB, Overlay Zone. Billboards are allowed by Conditional Use Permit in the Billboard Overlay Zone per Lewiston City Code Section 37-114 and subject to the standards contained in Lewiston City Code Chapter 30, Sign Code.

SIGN VARIANCE APPLICATION VAR23-1 BY THE LAMAR COMPANIES LLC: The applicant also requests a variance from Lewiston City Code, Sec 30-17(3) regarding the distance of the proposed billboard from the intersection of W.22nd Street N and 3rd Avenue N. The applicant proposes placing the billboard 142 feet from the intersection, instead of 150 feet as required; a variance request of 8 feet.

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 November 20, 2023 and 27 persons were noticed.

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

NOTICE OF PUBLIC HEARING

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

Wednesday December 13, 2023 at 5:30 pm.

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

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

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

Hearing notice publication date: November 26, 2023.

OWNER1	OWNER2	IN_CARE_OF	MAIL_ADD1	MAIL_ADD	MAIL_CITY	MAIL_ST	MAIL_ZIP	SITE_ADD
RED LLC			2037 2ND AVE N		LEWISTON	ID	83501	2045 2ND AVE N
WCM LLC			1457 W STAFFORD DR		EAGLE	ID	83616	
P.S. HOLDINGS LLC			239 PRESTON DR		LEWISTON	ID	83501	2125 3RD AVE N
WCM LLC			1457 W STAFFORD DR		EAGLE	ID	83616	2021 3RD AVE N
SCHNUERLE JOHN F JR &	SCHNUERLE DIANA	RAY J WHITE & SONS	1030 F ST		LEWISTON	ID	83501	2125 2ND AVE N
MARTIN RICHARD L			56 VISTA DEL MAR ST		HENDERSON	NV	89012	2036 3RD AVE N
A & R CONSTRUCTION INC			P O BOX 881		LEWISTON	ID	83501	2104 2ND AVE N
TSANG DICK &	TSANG HELEN		2331 1ST AVE N		LEWISTON	ID	83501	2134 4TH AVE N
BEARINGS INC		BADEN TAX MANAGEMENT LLC	6920 POINTE INVERNESS WAY	STE 301	FORT WAYNE	IN	46804	2010 3RD AVE N
WATKINS BROTHERS L L P			518 DEL DR		JEROME	ID	83338	
RAINES KENNETH &	RAINES CHRISTI SHEELER		2102 4TH AVE N		LEWISTON	ID	83501	2102 4TH AVE N
SCHNUERLE JOHN F JR &	SCHNUERLE DIANA	RAY J WHITE & SONS	1030 F ST		LEWISTON	ID	83501	
A & R CONSTRUCTION INC			P O BOX 881		LEWISTON	ID	83501	2108 2ND AVE N
LOHMAN ENTERPRISES LLC			22884 S HIGH DR		WORLEY	ID	83876	2025 3RD AVE N
BEARINGS INC		BADEN TAX MANAGEMENT LLC	6920 POINTE INVERNESS WAY	STE 301	FORT WAYNE	IN	46804	2028 3RD AVE N
4416 PROJECT LLC		GERRARD V FLOYD	4416 40TH AVE SW UNIT D		SEATTLE	WA	98116	206 22ND ST N
WALLACE KENNETH			2033 2ND AVE N		LEWISTON	ID	83501	2033 2ND AVE N
A & R CONSTRUCTION INC			P O BOX 881		LEWISTON	ID	83501	2037 2ND AVE N
WCM LLC			1457 W STAFFORD DR		EAGLE	ID	83616	2017 3RD AVE N
RED L L C			2037 2ND AVE N		LEWISTON	ID	83501	
BB1 LLC			4225 S 500 W		SALT LAKE CITY	UT	84123	2128 2ND AVE N
P.S. HOLDINGS LLC			239 PRESTON DR		LEWISTON	ID	83501	2037 3RD AVE N
YOLIN & ERIKS SUPER	AWESOME TRUST		5907 NE 19TH AVE		PORTLAND	OR	97211	226 W 22ND ST N
RED LLC			PO BOX 881		LEWISTON	ID	83501	2123 2ND AVE N
LANG JON J &	LANG HEATHER C		641 22ND AVE		LEWISTON	ID	83501	2106 4TH AVE N
LOHMAN ENTERPRISES LLC			22884 S HIGH DR		WORLEY	ID	83876	2033 3RD AVE N
A & R CONSTRUCTION INC			2037 2ND AVE N		LEWISTON	ID	83501	2041 2ND AVE N

City of Lewiston





STAFF USE ONLY

Case Number: CUP23-000004

Hearing Date: _____

Nature of CUP Application: _____

APPLICATION FOR CONDITIONAL USE PERMIT

(Pre-application meeting strongly encouraged)

Conditional use means a use permitted in a particular zone district upon showing that such use in a specified location will comply with all the conditions and standards as specified in Chapter 37 of the City Code, including any additional conditions of approval recommended by the Planning and Zoning Commission.

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

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

APPLICANT INFORMATION

Full Name: The Lamar Companies LLC Date: 8/28/23
Last First M.I.

Address: 1015 E. Cataldo
Street Address Apartment/Unit #
Spokane WA 99202
City State ZIP Code

Phone: (509) 489-4684 Email: n.schreibers@lamar.com

OWNERSHIP INFORMATION

Property Owner Name: Yolin & Eric's Super Awesome trust

Phone: (503) 473-7154 Email: yolinmay@gmail.com

Mailing Address: 5907 NE 19th Ave, Portland, OR 97211

PROPERTY INFORMATION

Street Address of Subject Property: 226 W 22nd St N

Subdivision Name: Indian Cache Ranch Block: _____ Lot: 28,29,30
4th Addition

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

Property Zoning: C-4

NATURE OF YOUR REQUEST

PLEASE ANSWER THE FOLLOWING QUESTIONS ON A SEPARATE SHEET OF PAPER.

1. Please describe the nature of your conditional use request. You should address pertinent issues, which may include: number of employees, hours of operation, anticipated traffic volume-increase, health, safety, compatibility with neighboring land use, site access, on-site traffic flow, off street parking, loading/unloading, pick-up/drop-off, landscaping, and other planned on-site improvements.
2. What public facilities and utilities are available to serve your site? Describe the adequacy to serve the use requested. You should provide specific information regarding water supply, sewage, traffic impacts, stormwater detention and drainage, garbage service and other pertinent utilities and services.
3.
 - a. Will the proposed use result in conditions that will tend to generate nuisances (including but not limited to noise, dust, glare, vibrations, odors and the like) and, if so, how will the nuisances be mitigated?
 - b. Describe how/why the proposed use is a public necessity or, if it is not, describe how it is a benefit to the public.
 - c. Describe how the character of the proposed use, if developed according to the plans as submitted, will be in harmony with the area in which it is to be located.
 - d. Describe how the proposed use will not endanger the environment or the public health or safety.
 - e. Describe how the proposed use will be in substantial conformance with the comprehensive plan of the city.

PLAN INFORMATION

Site plans and floor plans are required. Floor plans shall accurately depict room sizes and uses, as well as doorways, windows, walls, hallways and stairways. Building elevation drawings may also be required, as determined by the City Planner.

Site plans shall include the following:

- ☐ Property lines, including dimensions;
- ☐ Street address or legal description;
- ☐ North arrow and scale;
- ☐ Setbacks between buildings and property lines;

- ☐ All building locations, size and uses, labeled as existing and/or proposed;
- ☐ Driveways and parking spaces;
- ☐ Landscaping;
- ☐ Location of garbage dumpsters
- ☐ Other information, as directed by the Community Development Director, necessary to fully explain and describe the nature of the request.

The plans, as approved or modified by the Planning and Zoning Commission, shall be deemed a part of the applicant's conditional use permit and all use and development shall comply with the plans, application and conditions of approval set by the Planning and Zoning Commission, as well as all applicable City Codes. Nothing in a conditional use permit approval shall be interpreted as allowing the owner or applicant variation from current ordinances that were not specifically addressed at the time of conditional use permit approval.

APPLICATION SUBMITTAL AND PROCESSING

Incomplete applications will not be processed.

Application fee must be paid at the time of submittal.

Expect a five to seven working day application review period prior to commitment to schedule the required public hearing. Corrected or additional information may be required after application submittal, based upon application review.

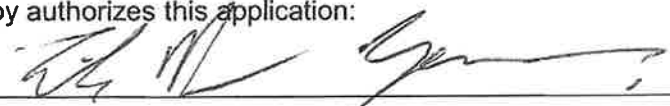
APPLICANT'S CERTIFICATION

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

Signature of Applicant: 

Date: 8/28/23

The Property Owner hereby authorizes this application:

Signature of Owner: 

Date: 9/1/23

9/20/2023

City of Lewiston
Community Development
Application for Conditional Use Permit

Lamar Advertising is applying for a Conditional Use Permit to install a billboard at 226 1st Ave. N. in Lewiston. This area is in the Overlay Zone which does allow billboards.

Lamar is requesting the permit in response to numerous local business that are looking for advertising in this area. There would be no increase in traffic volume, there would be no health or safety concerns and no employees on site. Access to the sign would be through the current access from 1st Ave, with no additional parking needed and will only be done for maintenance, repairs or to change the advertising copy.

The only utilities that will be needed is electric power to the billboard which is already on the property. There will not be any need for sewer, water, garbage and will not generate any additional stormwater for detention or drainage.

Lamar is proposing a drilled footing, which will minimize any dust, noise and vibrations, during construction and once construction is complete (about one week) there will not be any noise, dust, vibrations, odors. The digital side is designed for no glare and reduction in intensity during overcast and night conditions. The second side will have lights that point up on the face so that there is not any glare.

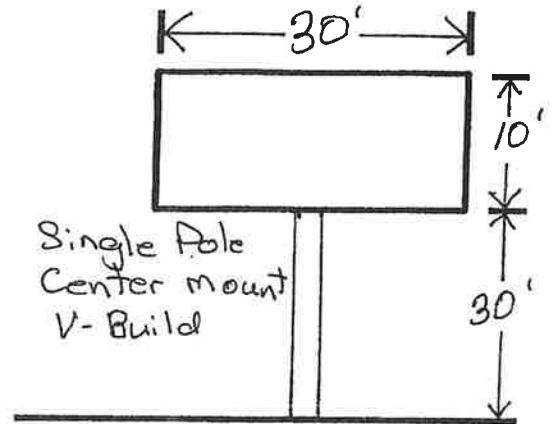
The Lewiston community will have the benefit of local advertisers informing the public and tourists, their locations and products. This will help tourists and locals become more aware of what is in the community and will help local business generate additional income for themselves and their employees, which in turn helps other business that are their suppliers or where ever the business purchase items for the business or themselves.

The billboard is built out of steel and electronic components, which do not create any health, safety or environmental issues that will harm the public or the environment. The location is in compliance with the ordinance/statutes that the City of Lewiston has enacted.

Respectfully,
Neal Schreibeis
Lamar Real Estate Director

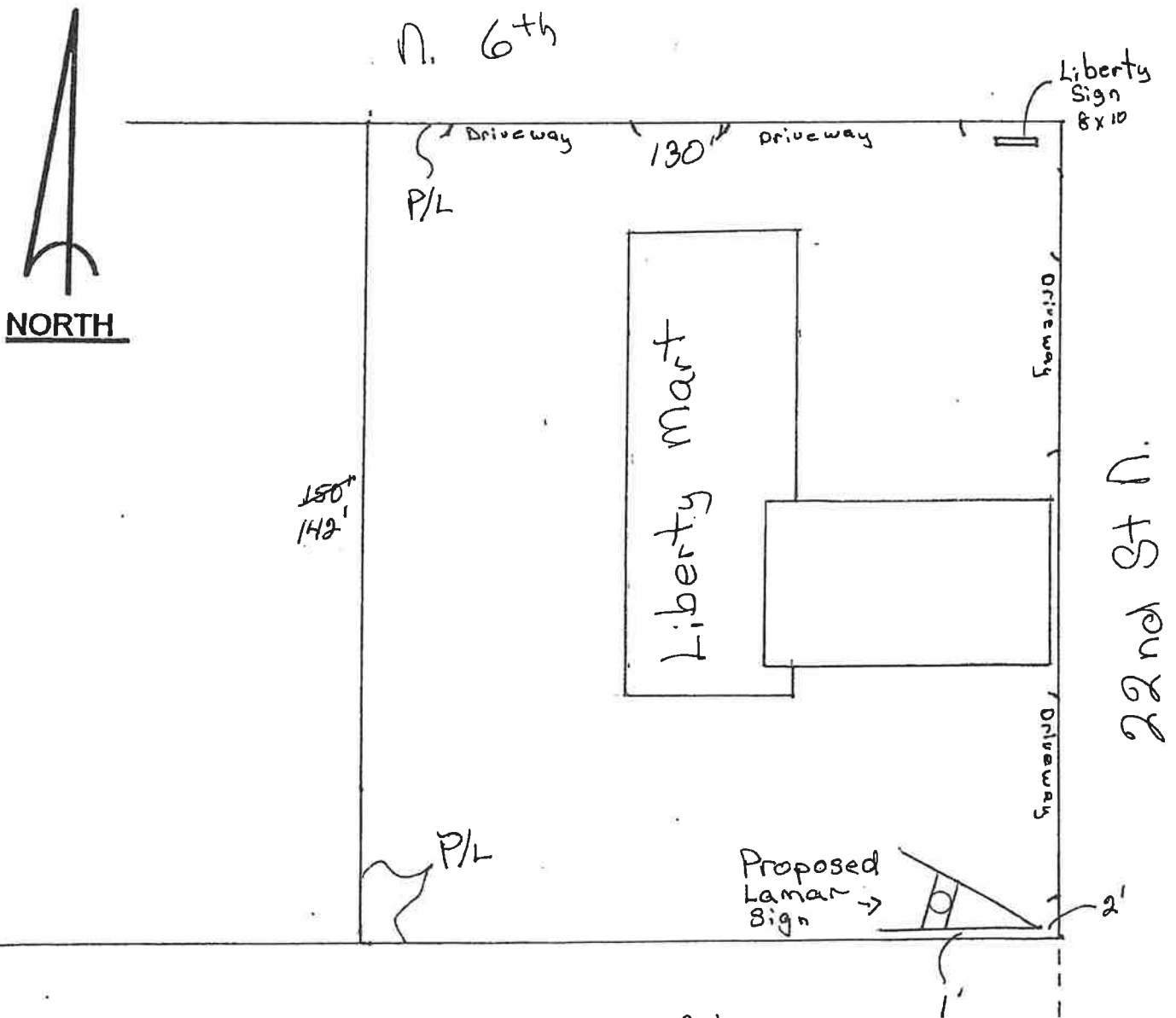
SITE PLAN

Lamar Outdoor Advertising
1015 East Cataldo Ave.
Spokane, WA 99202
(509) 489-4684
Neal Schreibeis
Director of Real Estate



226 22nd ST N

Parcel * QPL 0670010030A





STAFF USE ONLY	
Case Number:	VAR-23-00001
Hearing Date:	

APPLICATION FOR SIGN CODE VARIANCE

(Pre-Application Meeting Strongly Encouraged)

Sign Code Variance means a modification of the requirements of the Lewiston Sign Code as to the type, size, height, or location of a sign located on private property and not located in a street right of way.

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: The Lamar Companies LLC Date: 10/16/2023
Last First M.I.

Address: 1015 E Cortado Apartment/Unit #
Street Address

Spokane WA 99202
City State ZIP Code

Phone: (509) 489-4684 Email: ngschreibis@lamar.com

OWNERSHIP INFORMATION

Property Owner Name: Yolin & Eric's Super Awesome Trust

Phone: (503) 473-7154 Email: yolinmay@gmail.com

Mailing Address: 5907 NE 19th Ave., Portland, OR 97211

PROPERTY INFORMATION

Street Address of Subject Property: 226 W 22nd St N

Subdivision Name: Indian Cache Ranch Block: _____ Lot: 28, 29, 30
4th Addition

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

Property Zoning: C-4

NATURE OF YOUR REQUEST

I request a variance from the following provision(s) of the Sign Code, Chapter 30, Lewiston City Code (Describe the nature of the variance and cite the related code section number(s)):

Reduce distance requirement in Section 30-17(b)(3)

The planning and zoning commission may authorize variances from the requirements of the Sign Code where it can be shown that the requirements of the Sign Code would cause undue hardship. In considering an application for a variance, the planning and zoning commission shall the issues itemized below. Please provide **DETAILED** responses to the following questions::

a. What is your hardship and the special circumstances or conditions causing the hardship?

Alley's separating parcels along W22 st are 16 ft wide, reducing property length by 8 ft per parcel, which shortens parcel to 142 ft.

b. How is your variance request the minimum variance necessary to overcome the hardship you describe above?

Reducing size limit, will allow sign installation keeping sign at the edge of property & will not disturb rest of property or neighboring property

c. How is your variance request not detrimental to: (a) the purposes of this chapter; (b) the characteristics of the zone, district, or property in the vicinity of the premises on which a sign is proposed to be or is located; or (c) the objectives of the city's comprehensive plan?

This area is located in the Billboard Overlay Zone, which allows billboards in the area. There is an existing pole on the property which will be removed before billboard installation. There are no traffic signs in the area, nor is there traffic lights at the corners

- d. How would the granting the variance improve the appearance of the sign, building, or premises on which the sign is proposed to be or is located?

This would remove an existing pole and be replaced with a modern digital sign

- e. Are there inherent difficulties of terrain exist on the premises on which the sign is proposed to be or is located and, if so, what are they?

no difficulties, flat land

- f. Is your variance application in conflict with the public interest? Please describe.

City of Lewiston' code allows billboards in the area which coincides with the public interest attracting travelers to local businesses.

PLAN INFORMATION

Site plans and photo simulations and/or elevation drawings are required to be submitted with this variance application.

Site plans shall include the following:

- ☐ Property lines, including dimensions;
- ☐ Street address or legal description;
- ☐ North arrow and scale;
- ☐ Setbacks measured between buildings and property lines;
- ☐ All building locations, size and uses, labeled as existing and/or proposed;
- ☐ Driveways and parking spaces;
- ☐ Landscaping;

- ☐ The location and size of all existing and proposed signs;
- ☐ Location of solid waste disposal and collection facilities;
- Other information, as directed by the Community Development Director, necessary to fully explain and describe the nature of the request.

The plans, as approved or modified by the Planning and Zoning Commission, shall be deemed a part of the applicant's variance and all construction and development shall comply with the plans, application and conditions of approval set by the Planning and Zoning Commission, as well as all applicable City Codes. Nothing in a variance approval shall be interpreted as allowing the owner or applicant variation from current ordinances that were not specifically addressed at the time of variance approval.

APPLICATION SUBMITTAL PROCESSING

Incomplete applications will not be processed.

Application fee must be paid at the time of submittal.

Expect a five to seven working day application review period prior to commitment to schedule the required public hearing. Corrected or additional information may be required after application submittal based on application review.

APPLICANT'S CERTIFICATION

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

Signature of Applicant: _____

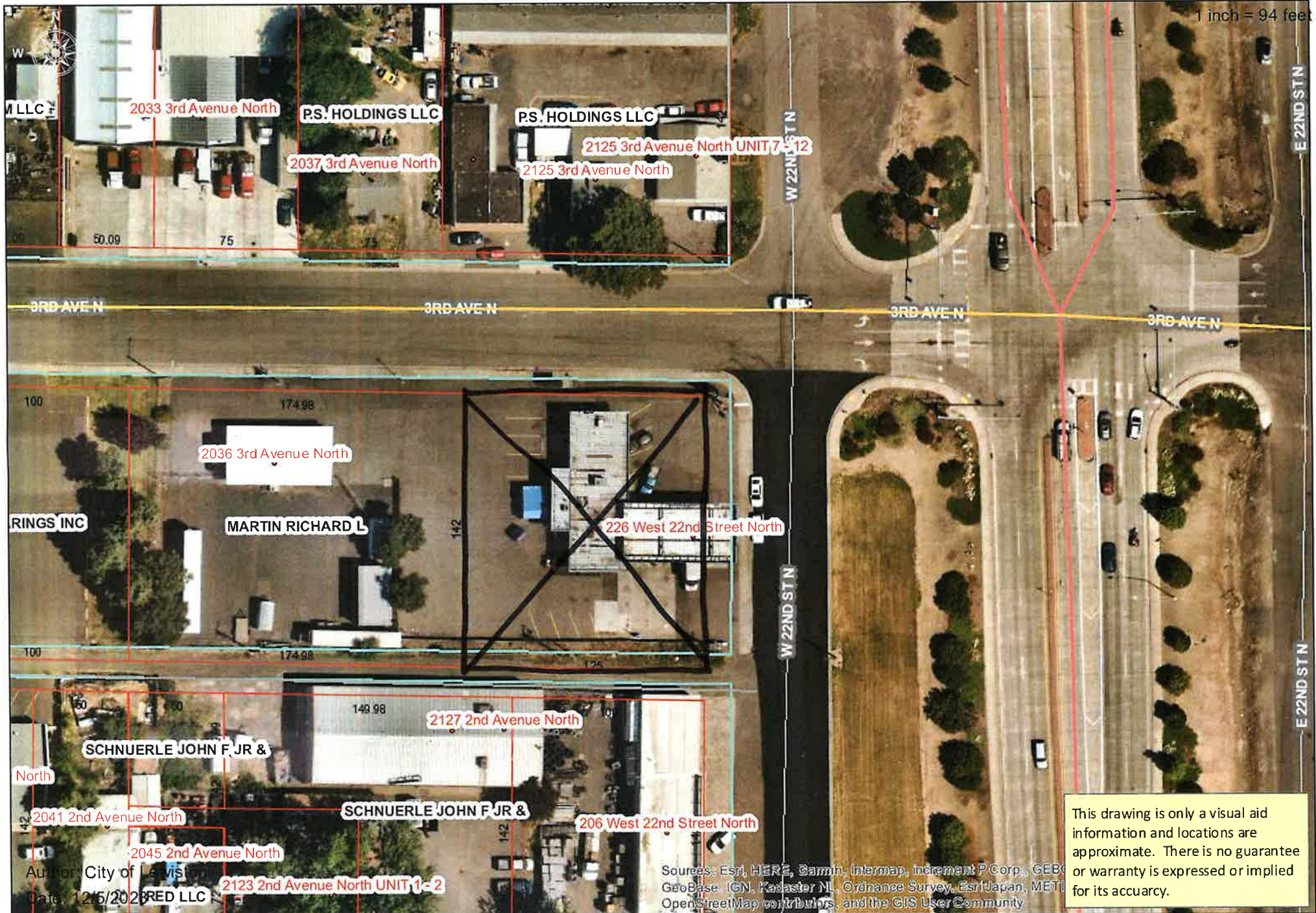
Date: 10/16/2023

The Property Owner hereby authorizes this application:

Signature of Owner: _____

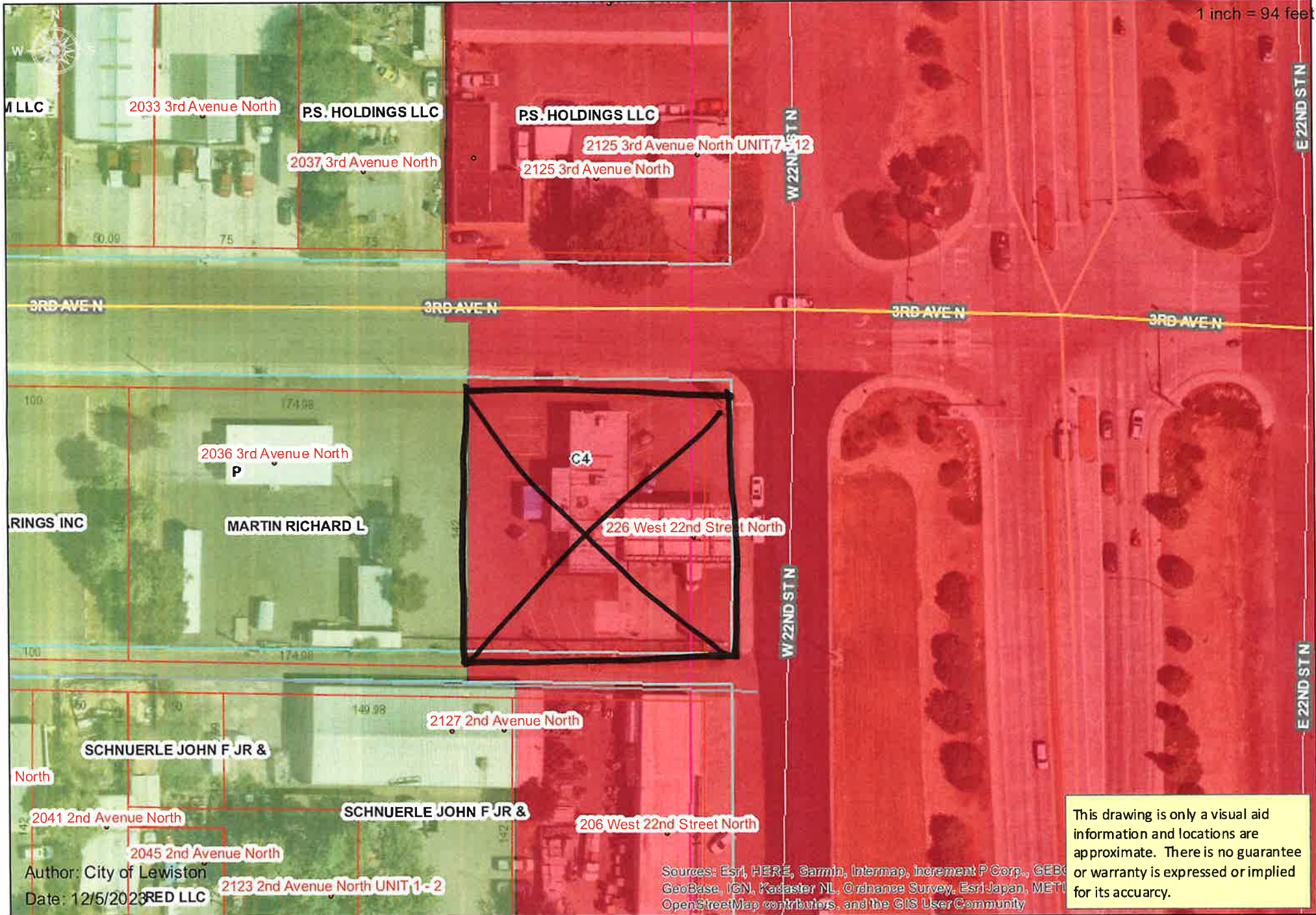
Date: 10/17/23

1 inch = 94 feet

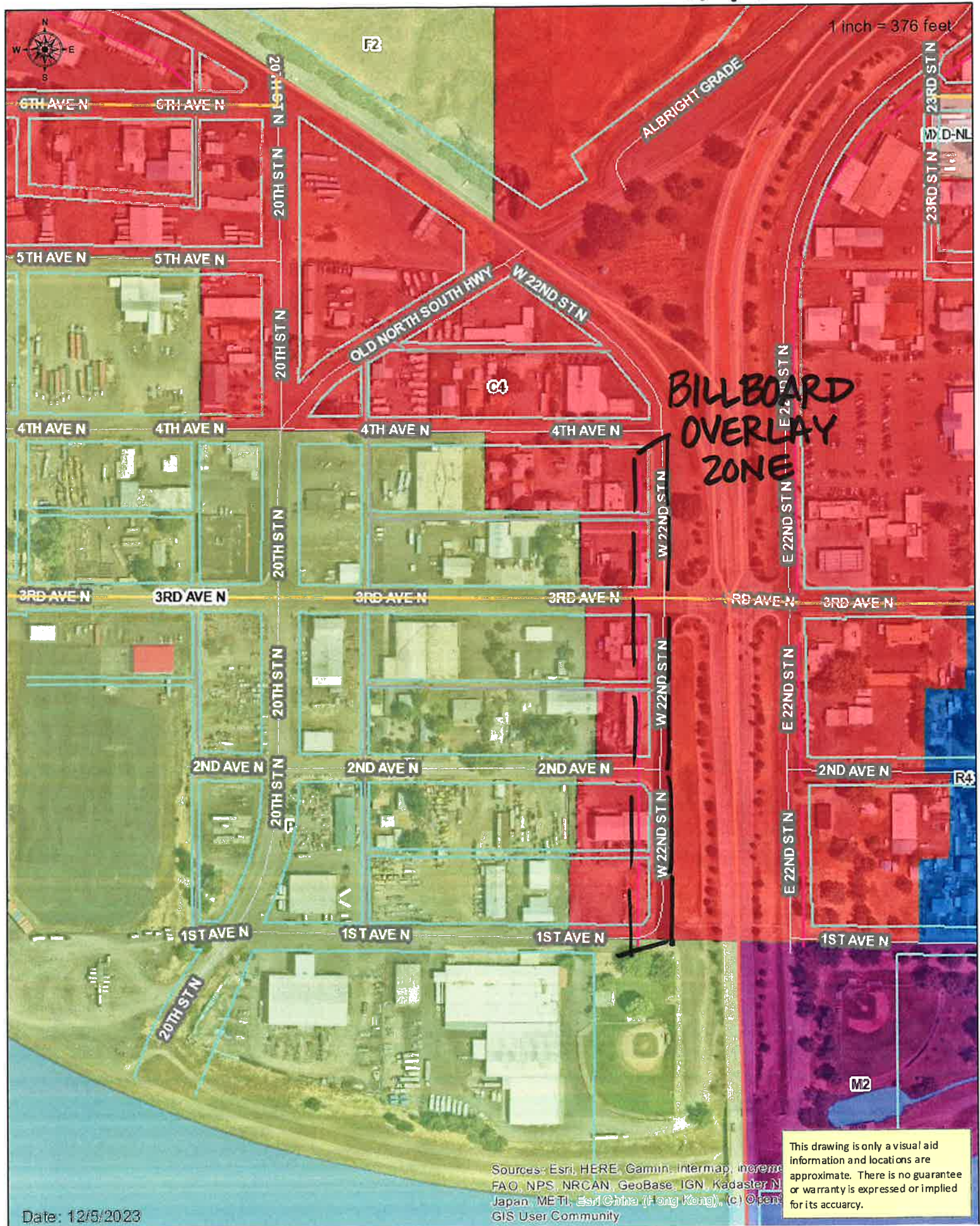


This drawing is only a visual aid information and locations are approximate. There is no guarantee or warranty is expressed or implied for its accuracy.

1 inch = 94 feet



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





PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 11/1/2023

Case File Number: CUP23-, VAR23-1

Applicant:

The Lamar Companies, LLC
1015 E. Cataldo
Spokane, WA 99202

Property Owner:

Yolin & Eric's Super Awesome Trust
5907 NE 19th Ave
Portland, OR 97211

Site Location:

226 W. 22nd St. N
Lewiston, ID 83501

Request/Proposal: The applicant request conditional use permit approval, for a digital billboard in the General Commercial, CC4, Zone and the Billboard, BB, Overlay Zone. Billboards are allowed by Conditional Use Permit in the Billboard Overlay Zone per Lewiston City Code Section 37-114 and subject to the standards contained in Lewiston City Code Chapter 30, Sign Code.

The applicant also requests a variance from Lewiston City Code, Sec 30-17(3) regarding the distance of the proposed billboard from the intersection of W. 22nd Street N and 3rd Avenue N. The applicant proposed placing the billboard 122 feet from the intersection (subject property is 142 feet in length), instead of 150 feet as required; a variance request of 28 feet (18.6 % of the total distance).

Subject Property and Surrounding Land Uses: The subject property is a .40 acre parcel containing a gas station and convenience store. Surrounding uses are mostly commercial, including a motel, sprinkler contractor, Kubota dealership CUP23-4, VAR23-1

and restaurant. There are also a handful of nonconforming residential uses, specifically a duplex and two (2) single family dwellings on the western end of 2nd Ave N.

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

DIVISION 15. - GENERAL COMMERCIAL ZONE C-4

• **Sec. 37-70. - General commercial zone C-4.**

Purpose. To provide areas to serve the city and regional needs for commercial goods and services. Such areas shall be compatible with adjacent residential development.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 34, 10-25-99)

Sec. 37-71. - Uses permitted outright.

In a C-4 zone the following uses and their accessory uses are permitted outright subject to the standards of article IV:

- (1) Auto, boat, manufactured home, recreational vehicle, heavy equipment sales and service;
- (2) Building supply outlet;
- (3) Business or professional offices;
- (4) Car wash, subject to the special conditions of [section 37-60.1](#)(1) of this Code;
- (5) Commercial entertainment facility, subject to the special conditions of [section 37-69.1](#)(3) of this Code;
- (6) Day care center, subject to the special conditions of [section 37-20.1](#)(5) of this Code;
- (7) Eating or drinking establishment;
- (8) Financial institutions;
- (9) Greenhouses and nurseries;

CUP23-4, VAR23-1

- (10) Laundry and dry cleaners;
- (11) Mini-storage, subject to the special conditions of [section 37-69.1](#)(1) of this Code;
- (12) Mortuary;
- (13) Motel/hotel;
- (14) Multifamily residential uses not on the ground floor of a building;
- (15) Personal services;
- (16) Preschool, subject to the special conditions of [section 37-20.1](#)(6) of this Code;
- (17) Public or governmental offices or semi-public uses which uses are similar to other uses permitted outright in this zone;
- (18) Residential uses legally established as of December 31, 2004;
- (19) Retail sales and service;
- (20) Service station, subject to the special conditions of [section 37-60.1](#)(2) of this Code;
- (21) Repealed by Ord. No. 4742.
- (22) Repealed by Ord. No. 4742.
- (23) Repealed by Ord. No. 4753.
- (24) Veterinary clinic or kennel, subject to the special conditions of [section 37-69.1](#)(2) of this Code;
- (25) Recreational vehicle park, subject to the provisions of [chapter 23](#), article II of this Code;
- (26) Church.

Sec. 37-72. - Conditional uses permitted.

In a C-4 zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of articles IV and IX:

- (1) Tire recapping;
- (2) Truck terminal;
- (3) Multifamily residential when located on the ground floor of a structure;
- (4) Wholesale warehouse;

CUP23-4, VAR23-1

- (5) Adult bookstore;
- (6) Adult theaters;
- (7) Adult entertainment facility;
- (8) Other public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;
- (9) Other 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;
- (10) Repealed by Ord. No. 4753.
- (11) Homeless shelter, subject to the standards of [section 37-125](#) of this Code;
- (12) Other general commercial uses which are not permitted outright but which are consistent with the purpose of the C-4 zone, and are not detrimental to any of the outright permitted uses or other existing conditional uses or to nearby residential uses;
- (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) A nonconforming commercial use may expand to bring that use into compliance with the requirements of this chapter, article VII, off-street parking and loading. Such nonconforming commercial use may expand onto a separate parcel containing a conforming use where that parcel is abutting the nonconforming use for purposes of parking only;
- (16) Bridge housing shelter, subject to the standards of [section 37-125](#) of this Code;
- (17) Transitional housing village, subject to the provisions of [chapter 42](#) of this Code.

• **Sec. 37-73. - Development standards.**

In a C-4 zone, the following development standards shall apply and be in force:

- (1) *Maximum height for buildings.* Sixty (60) feet.
- (2) *Maximum lot coverage.* None.
- (3) *Minimum lot size.* None.

CUP23-4, VAR23-1

(4) *Minimum front yard.* None except property abutting Thain Road shall have a twenty-foot minimum.

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

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

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

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

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

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

(Ord. No. 4108, § 2, 8-15-94)

- **Sec. 37-74. - Reserved.**

- **Sec. 37-75. - Temporary conditional use.**

- The purpose of the temporary conditional use in a C-4 zone is to enable a better temporary use of certain existing structures to ease their transition from certain light industrial uses to general commercial uses in compliance with the goals and purposes of the comprehensive plan of the City of Lewiston.
- In a C-4 zone, the temporary conditional uses of fabricating and assembly operations may be permitted only if the following conditions have been met:
 - (1) The use shall only apply to existing structures and shall be compatible with the existing structures on the subject property. No exterior construction which substantially alters the existing structure shall be permitted by the grant of this conditional use and the building must be inspected by a building official.
 - (2) For the purposes of this section, an existing structure is one that was constructed prior to January 1, 1981.
 - (3) The use shall be compatible with all uses in existence within the surrounding area in that it will not create an adverse impact on traffic, noise levels, fire safety standards, clean air standards, water purity standards or detract from the nature and character of the surrounding uses.
 - (4) The temporary conditional use shall not be granted outright and shall be strictly controlled, subject to such conditions as may be directed by the commission or the council to insure that the use shall be compatible as set forth in subsection (3) herein.
 - (5) The temporary conditional use shall be granted only after following the same procedure for conditional uses in accordance with articles IV and IX.
 - (6) The allowance of a temporary conditional use shall not grant the applicant any permanent rights in the use of the property. The temporary conditional use shall automatically terminate upon the expiration of a period of time to

CUP23-4, VAR23-1

be set by the commission or the council which period of time shall in no event exceed five (5) years. Nothing shall prevent the holder of a temporary conditional use from applying for a new temporary conditional use for the same or similar purposes at, near or after the expiration date of a temporary conditional use granted pursuant to this section. Such an application shall be treated in all respects as a new application.

- (7) In any hearing concerning the allowance of a temporary conditional use pursuant to this section, the commission or the council shall consider and make findings and conclusions concerning the following:
- a. Specific findings with respect to subsections (1) through (6) of this section; and
 - b. The nature and extent of the temporary conditional use shall be specifically set forth by the commission and the council and no implied use shall arise therefrom; and
 - c. That the trend of the use of the area to general commercial use will not be impeded by the length of time for which the temporary conditional use is allowed.

Sec. 37-3. Definitions.

Conditional use means a use permitted in a particular zone district upon showing that such use in a specified location will comply with all the conditions and standards as specified in this chapter, including any additional conditions of approval, and when approved by the planning and zoning commission.

BILLBOARD OVERLAY ZONE BB

Sec. 37-113. BB Billboard Overlay Zone.



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

Sec. 37-114. Standards.



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

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

CUP23-4, VAR23-1

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

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

Chapter 30 **SIGN CODE¹**

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

 SHARE

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

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

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

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

CUP23-4, VAR23-1

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

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

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

Sec. 30-3. Substitution.

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

Sec. 30-4. Scope.

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

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

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

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

Sec. 30-16. - Illumination.

(a) No sign shall be erected or maintained that, by use of lights or illumination, creates a hazardous condition to motorists, pedestrians, or the general public.

(b) The nighttime illumination of electronic message centers shall comply with the requirements set forth in this section.

(c) The illuminance of an electronic message center shall be measured with an illuminance meter that measures foot candles and is accurate to at least two (2) decimals.

(d) Illuminance shall be measured with the electronic message center off and again with the electronic message center on and displaying a white image for a full color-capable

CUP23-4, VAR23-1

electronic message center, or a solid message for a single-color electronic message center. All measurements shall be taken perpendicular to the face of the electronic message center at the distance determined by the total square footage of the electronic message center as set forth in Table 1 of this section. The difference between illuminance readings shall not exceed three-tenths (0.3) foot candles at night.

(e) All electronic message centers shall be equipped with a sensor or other device that:

(1) Automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions; or

(2) Can be manually adjusted to comply with the requirements of this section.

(f) All electronic message centers shall not change messages more than once every nine

(9) seconds. The message changing process shall be completed within two (2) seconds.

(g) The illuminance of electronic message centers shall be measured in accordance with Table 1:

Table 1 Sign Area versus Measurement Distance*	
Area of Sign (square feet)	Measurement Distance (feet)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81

Table 1
Sign Area versus Measurement Distance*

Area of Sign (square feet)	Measurement Distance (feet)
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167

CUP23-4, VAR23-1

Table 1 Sign Area versus Measurement Distance*	
Area of Sign (square feet)	Measurement Distance (feet)
300	173

* For signs with an area other than those specifically listed in Table 1, the measurement distance shall be calculated as follows:

Measurement Distance = $\sqrt{(\text{Area of Sign in Square Feet} \times 100)}$

(Ord. No. 4692, § 2, 10-30-17)

Sec. 30-17. Billboards. SHARE

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

(b) *General construction standards.*

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

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

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

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

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

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

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

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

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

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

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

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

(c) Modifications.

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

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

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

(d) Repair and demolition.

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

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

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

Sec. 30-23. - Variances.

- (a) This section shall not apply to signs located in or over the public right-of-way. Any decision made by the public works department regarding such signs shall be final.
- (b) The planning and zoning commission may authorize variances from the requirements of this chapter where it can be shown that the requirements of this chapter would cause undue hardship. In considering an application for a variance, the planning and zoning commission shall consider:
- (1) The minimum variance necessary to overcome the hardship described in the application;
 - (2) Whether the grant of the variance would be detrimental to: (a) the purposes of this chapter; (b) the characteristics of the zone, district, or property in the vicinity of the premises on which a sign is proposed to be or is located; or (c) the objectives of the city's comprehensive plan;
 - (3) Whether conditions should be attached to the granting of a variance to achieve the purposes of this chapter;
 - (4) Whether granting the variance, in full or in part, would improve the appearance of the sign, building, or premises on which the sign is proposed to be or is located;
 - (5) Whether inherent difficulties of terrain exist on the premises on which the sign is proposed to be or is located; and
 - (6) Whether the proposed variance is in conflict with the public interest.
- (c) The planning and zoning commission shall not grant a variance for a sign that is not authorized within the zone in which the proposed sign would be located.
- (d) An applicant for a sign permit may request a variance from the requirements of this chapter by filing an application with the department, which application shall be available from the department. An applicant shall also pay the application fee, as adopted by resolution of the city council. The applicant shall submit such application and application fee to the department at least twenty (20) calendar days prior to the meeting at which the application will be considered.
- (e) The planning and zoning commission shall hold a hearing on an application for a variance within thirty (30) calendar days of receipt of such application. Notice of such hearing shall be provided as required by [section 37-184\(b\)](#) of this Code. The planning and zoning commission shall issue a written decision within twenty (20) calendar days after the hearing.
- (f) The planning and zoning commission may grant, in full or in part, or deny a variance application. The planning and zoning commission may place conditions on the grant of a variance to protect the interests of the surrounding property or neighborhood and to achieve the purposes of this chapter.
- (g) A person aggrieved by the decision of the planning and zoning commission may appeal such decision to the city council, as set forth in [section 30-22](#) of this Code.
- (h) Authorization of a variance shall be void after twelve (12) months unless:

(1) The applicant has applied for a sign permit; or

(2) The department has determined that the applicant has made substantial progress towards completion of the sign.

(i) Once granted, a variance is permanent.

(Ord. No. 4692, § 2, 10-30-17)

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

 SHARE

(a) Uses designated in this chapter as conditional uses may be permitted upon authorization by the commission in accordance with the standards and procedures established in this article. The commission may impose, in addition to those standards and requirements expressly specified by this chapter, any additional conditions which it considers necessary to protect the best interests of the surrounding property or the city as a whole. Those conditions may include, but are not limited to:

(1) More restrictive standards than generally required, such as increased lot or yard size, with limitations or increased parking space requirements;

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

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

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

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

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

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

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

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

CUP23-4, VAR23-1

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

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

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

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

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

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

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

(1) A building permit pursuant thereto has been applied for;

(2) Where no building permit is required, the intent of the conditional use has been fulfilled; or

(3) Substantial progress towards completion of the project has been accomplished, as determined by the community development director.

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

(1) Application for extension is received prior to the expiration date;

(2) The conditional use remains consistent with the comprehensive plan and conditional uses allowed with the zone;

(3) The applicant can show progress towards establishing the conditional use;

(4) The applicant can show that circumstances specific to the conditional use and beyond the applicant's control warrant an extension of time. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4530, § 1, 4-27-09; Ord. No. 4631, § 1, 7-13-15; Ord. No. 4651, § 1, 2-22-16)

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

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

- (1) Property lines;
- (2) Street address or legal description;
- (3) Zoning of the property;
- (4) Setbacks measured from the property lines;
- (5) All building locations, size of buildings and overhangs;
- (6) Driveways and parking spaces;
- (7) Landscaping;
- (8) The size, location and nature of the requested use;
- (9) The location and size of all existing and proposed signs;
- (10) Location of solid waste disposal and collection facilities;
- (11) Other information, as directed by the community development department, necessary to fully explain and describe the nature of the request.

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

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

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

Comprehensive Plan:

The subject property is located in Neighborhood Number One, North Lewiston. Relevant sections from the Comprehensive Plan are as follows:

CUP23-4, VAR23-1

CHAPTER 1. A VISION FOR LEWISTON IN 2020

Second, commercial areas will be contained in commercial nodes with traditional strip commercial areas redeveloped over time to a more efficient use of land, but we will make sure there is adequate land available for the expansion of our commercial business sector. Commercial areas located in the transitions between residential and commercial uses will be controlled through design review or other means to minimize their impact on the residential uses nearby.

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

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

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

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

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

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

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

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

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

Chapter 6. Land Use

b. Commercial Land Use Commercial land uses tend to be those catering to the travelling public and to trucking firms. There are numerous lower end motels and cafes as well as numerous shops for truck related equipment and hardware, welding and repairs. Manufactured home dealers are quite prevalent along US 95/12 as they serve a regional market and require larger expanses of lower cost land for display of housing models.

h. Desired Futures for Neighborhood Number One – North Lewiston

1. Improve the north entrance to our community. US 95/12 is the major entry to our community and sets the tone for the tourist or business person entering our

community. As such, it must present an appearance that welcomes the visitor and resident alike and demonstrates our pride in our community. The following features and amenities should be included in the redevelopment of this entry: a. This major entry corridor must be landscaped along its length with other visitor amenities provided. The landscaping should be designed for low maintenance while providing shade along the corridor. Species should be representative of the area and, if possible, reflect the nature of species first encountered by the Lewis and Clark expedition. b. Signage must be clear and easily understandable without distracting the driver. This signage could also include directions and information about regional features as well as community destinations. c. This area has potential for visitor services such as motels and recreational vehicle parks to be developed by private businesses. There is also great potential for larger scale commercial uses of a regional nature. The area east of US12 to 24th Street North from 3rd Avenue North to 7th Avenue North should be assembled from the smaller parcels and utilized for this purpose. d. Public art is a key component of any visual enhancements of this area and should feature elements of the Lewis and Clark expedition as well as from the Nez Perce Tribe. e. Parking for access to the Levee Path System should be upgraded and improved pedestrian linkages provided to the Path System and the Memorial Rose Garden.

Chapter 10, Transportation.

W. 22nd Street N is classified as a local street, while 3rd Avenue N is classified as a collector. The subject property is also adjacent to US Highway 12 and the ITD right-of-way. There are no other billboards located within this specific section of Billboard Overlay Zone.

The subject property does house a bus stop for the Appaloosa Express.

Input From Other Departments/Agencies:

The Fire Department had no comments on the applications.

The Engineering Division of the Public Works Department commented;

"Engineering has no objections. Sign must be on private property with no overhang into right-of-way. Applicant needs to coordinate ITD requirements for advertising signs adjacent to Idaho Transportation Department right-of-way.

Contact Mike Ahlers, D2 Right of Way Agent Senior, Office 208-799-4273, Cell 208-790-0076, mike.ahlers@itd.idaho.gov.

Analysis:

The subject property is located in the C4, General Commercial Zone and contains a gas station and convenience store. The subject property is a corner lot at the intersection of W. 22nd Street and 3rd Avenue N. The subject property is located in a Billboard Overlay Zone that extends from 1st Avenue N to 4th Avenue N, running north to south along W. 22nd Street N. W. 22nd Street N is classified as a local street, while 3rd Avenue N is classified as a collector. The subject property is also adjacent to US Highway 12 and the ITD right-of-way. There are no other billboards along this stretch of Billboard Overlay Zone.

CUP23-4, VAR23-1

The proposed billboard is 40 feet tall (maximum height allowed) and 300 square feet in size (10 feet tall by 30 feet wide), which is less than the maximum of 378 square feet allowed. The proposed billboard is shown to be completely on private property per the site plan supplied with the application. The proposed billboard will be an electronic message center, which is allowed as long as the illuminations standards set forth in Chapter 30, Sign Code, are followed.

The subject property is 142 linear feet in length from north to south and 125 linear feet from east to west. The minimum distance of a billboard from an intersection is 150 feet (measured perpendicular to the nearest public right-of-way line for the crossing street.) The subject property abuts an alley (city right of way) on the south side, W. 22nd Street N on the east side and 3rd Avenue N on the north side. Because the subject property is short of the required distance from the intersection, the applicant is also requesting a sign variance of 28 feet from the minimum standard required by Lewiston City Code Section 30-17. This is a variance request of 18.6% of the distance. The proposed billboard would be installed 1 foot from the property line abutting the alley to the south and the closest point of the proposed billboard would be 122 feet from the right of way line at 3rd Avenue N (see attached application with site plan showing the angle of the billboard).

While a number of the surrounding properties are also 142 lineal feet in length, staff does not know if the applicant considered alternative locations for the proposed billboard that would have met the 150 foot requirement from an intersection.

The subject property is relatively flat at approximately 738 feet in elevation and sits approximately 6 feet lower than the center line of the Idaho Transportation Department right of way, which is at 744 feet in elevation.

Relevant Criteria and Standards:

See attached worksheet for Conditional Use Permit for Billboard and attached worksheet for Sign Code Variance.

Prepared By:

Katie Hollingshead

(208) 746-1318, ext. 7261

khollingshead@cityoflewiston.org

P.O.Box 617

Lewiston, ID 83501

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

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

- I. **APPLICATION NUMBER:**
- 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 SUBJECT CONDITIONAL USE PERMIT APPLICATION:**
- VII. **DECISION:**
The Lewiston Planning and Zoning Commission **APPROVES/DENIES XXX.**
- VIII. **CONDITIONS OF APPROVAL:**
Pursuant to Lewiston City Code § 37-160, the Planning and Zoning Commission may impose conditions upon approval of a conditional use permit. This conditional use permit is subject to the following conditions:

XXX.

IX. TERMINATION OF CONDITIONAL USE PERMIT:

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

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

X. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None.

XI. RELEVANT CRITERIA AND STANDARDS:

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

1. The proposed use (**will/will not**) result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated. Applicable commentary:
2. The proposed use (**is/is not**) a public necessity (and/**but**) (**is/is not**) justified by the applicant and deemed to be of benefit to the public. Applicable commentary:
3. The character of the proposed use, if developed according to the plan as submitted, (**will/will not**) be in harmony with the area in which it is to be located. Applicable commentary:
4. The proposed use (**will/will not**) endanger the environment or the public health or safety. Applicable commentary:
5. The proposed use (**will/will not**) be in substantial conformance with the Comprehensive Plan. Applicable commentary:

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR CUP23-4

6. In determining whether to grant or deny a conditional use permit for a billboard, the planning and zoning commission shall consider compliance with the standards contained in Chapter 30 of this code. Applicable commentary:
7. In determining whether to grant or deny a conditional use permit for a billboard, the planning and zoning commission shall consider whether the billboard would substantially block the view of any existing sign from the public right-of-way. Applicable commentary:
8. In determining whether to grant or deny a conditional use permit for a billboard, the planning and zoning commission shall consider if the billboard is an illuminated sign, whether the billboard complies with industry practices for eliminating or reducing up –lighting and light trespass. Applicable commentary:
9. Pursuant to Idaho Code § 67-6512, the conditional use permit may be granted subject to the ability of political subdivisions, including school districts, to provide services for the proposed use. Applicable commentary:

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.

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.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR CUP23-4
Page 3 of 4

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Specialist

**CITY OF LEWISTON PLANNING AND ZONING COMMISSION
WRITTEN DECISION FOR GRANTING OR DENIAL OF
SIGN CODE VARIANCE**

This document shall serve as memorialization of the rationale for the granting or denial of a variance from the Sign Code (Chapter 30 of the Lewiston City Code), which shall be based upon the relevant criteria and standards set forth in Lewiston City Code § 30-23(b).

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:

VII. DECISION:

The Lewiston Planning and Zoning Commission [APPROVES/DENIES] [INSERT APPLICATION NUMBER].

VIII. CONDITIONS OF APPROVAL:

Pursuant to Lewiston City Code § 37-23(f), the Planning and Zoning Commission may place conditions on the grant of a variance to protect the interests of the surrounding property or neighborhood and to achieve the purposes of the Sign Code. This variance is subject to the following conditions:

[INSERT CONDITIONS]

IX. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are:

X. RELEVANT CRITERIA AND STANDARDS:

The following relevant criteria, standards, facts, and considerations are hereby declared as reasons for the decision on this variance. The Planning and Zoning Commission shall consider:

1. The minimum variance necessary to overcome the hardship described in the application. Applicable commentary:
2. Whether the grant of the variance would be detrimental to: (a) the purposes of Chapter 30 (Sign Code); (b) the characteristics of the zone, district, or property in the vicinity of the premises on which a sign is proposed to be or is located; or (c) the objectives of the City's Comprehensive Plan. Applicable commentary:
3. Whether conditions should be attached to the granting of a variance to achieve the purposes of Chapter 30 (Sign Code). Applicable commentary:
4. Whether granting the variance, in full or in part, would improve the appearance of the sign, building, or premises on which the sign is proposed to be or is located. Applicable commentary:
5. Whether inherent difficulties of terrain exist on the premises on which the sign is proposed to be or is located. Applicable commentary:
6. Whether the proposed variance is in conflict with the public interest. Applicable commentary:

NOTICE TO APPLICANT: Pursuant to Lewiston City Code §§ 30-22 and 30-23(g), a person aggrieved by the decision of the Planning and Zoning Commission may appeal such decision to the Lewiston City Council by filing a written notice of appeal with the City Clerk within fifteen (15) calendar days from the date the Planning and Zoning Commission adopts its written decision on the application. The notice of appeal shall specify the grounds for the appeal. If an appeal is not filed within the fifteen (15) calendar day period, then the Planning and Zoning Commission's decision shall be final. A person aggrieved by a final decision of the Planning and Zoning Commission or the Lewiston City Council is entitled to judicial review only as provided by law.

WRITTEN DECISION FOR VARxx-xxxxx

Page 2 of 3

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

Printed: _____

Date of Signature: _____

ATTEST: _____
Tanya Brocke, Community Development Specialist

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 DECEMBER 13, 2023 at 5:30 P.M.
COMMUNITY DEVELOPMENT DEPARTMENT BUILDING
2ND FLOOR MEETING ROOM,
215 D STREET LEWISTON, ID 83501

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

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

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

ZONE CHANGE PROPOSAL ZNC23-7 BY KEITH JACOBS OF KK JACOBS PROPERTIES, LLC: It is proposed that tax parcels RPL16700050140, RPL16700050120, and RPL16700050100, also known as 1828 and 1832 Idaho Street, be rezoned from High Density Residential, R4, Zone to General Commercial, C4, Zone.

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 November 20, 2023 and 35 persons were noticed.

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

NOTICE OF PUBLIC HEARING

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

Wednesday December 13, 2023 at 5:30 pm.

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

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

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

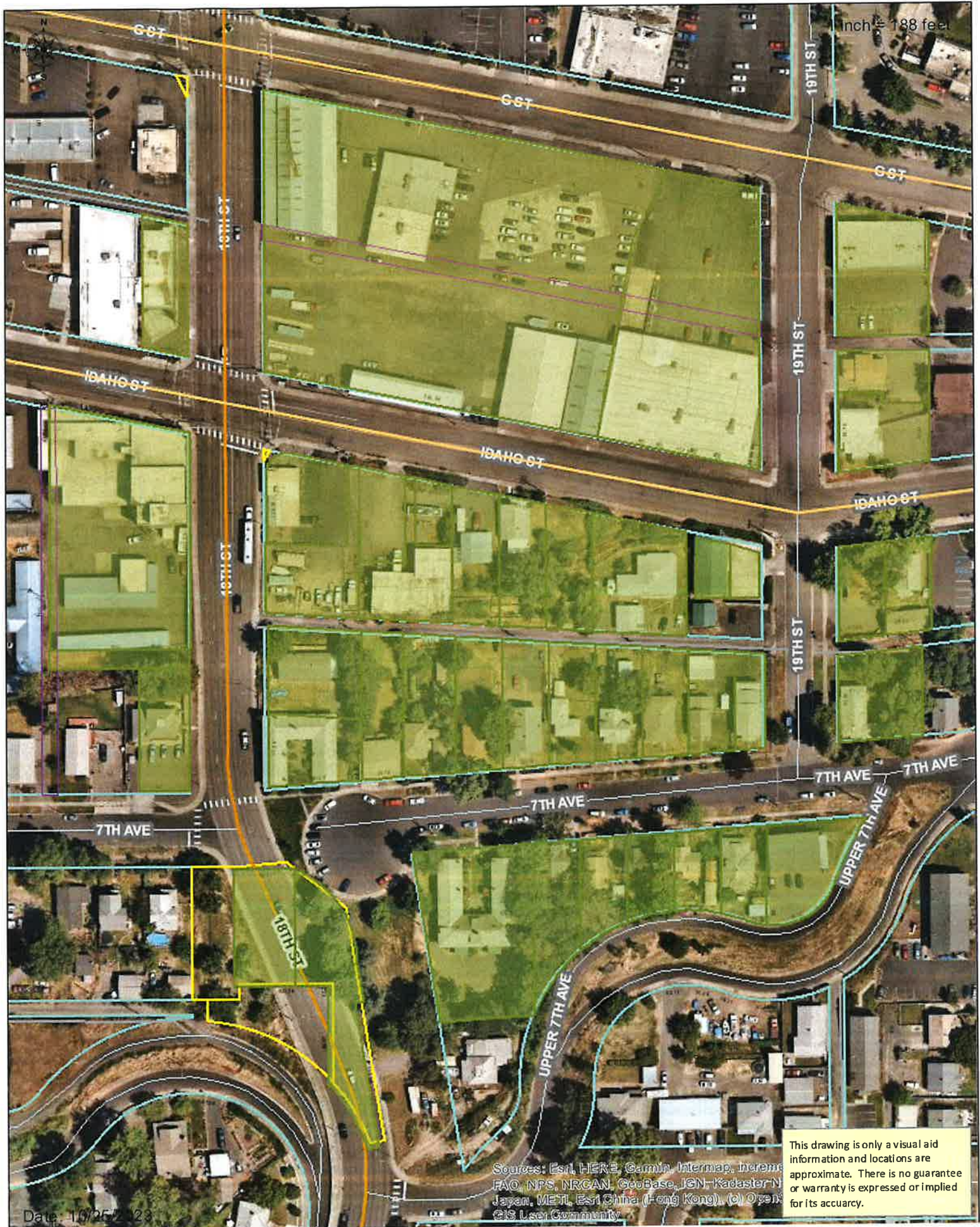
This public hearing will be to determine approval or denial of the following request:

ZONE CHANGE PROPOSAL ZNC23-7 BY KEITH JACOBS OF KK JACOBS PROPERTIES, LLC: It is proposed that tax parcels RPL16700050140, RPL16700050120, and RPL16700050100, also known as 1828 and 1832 Idaho Street, be rezoned from High Density Residential, R4, Zone to General Commercial, C4, Zone.

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

Hearing notice publication date: November 26, 2023.

City of Lewiston



1 inch = 188 feet

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

Sources: Esri, HERE, Garmin, Intermap, increment PBC, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Date: 10/26/2023

OWNER1	OWNER2	IN_CARE_OF	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP	SITE_ADD
HANCOCK ADAM WAYNE			1851 7TH AVE	LEWISTON	ID	83501	1851 7TH AVE
LINDSTROM BRADLEY &	LINDSTROM DELISA		605 SW CHERRY LN	PULLMAN	WA	99163	1835 7TH AVE
ZIPSE KYLE &	ZIPSE CAMAS		7180 S PARKRIDGE BLVD	SPOKANE	WA	99224	1904 IDAHO ST
SILVERS SUSAN E TRUST			15107 WESTSIDE LN	LEWISTON	ID	83501	1838 7TH AVE
TILTON JOHN L &	TILTON NOLA K		1823 7TH AVE	LEWISTON	ID	83501	1823 7TH AVE
CURTIS PETER T			726 WARNER AVE	LEWISTON	ID	83501	1820 7TH AVE
DIXON PATRICK A			1847 7TH AVE	LEWISTON	ID	83501	1847 7TH AVE
ARBOR COURT LLC		LAUDER MANAGEMENT	301 S MAIN ST	MOSCOW	ID	83843	1801 7TH AVE
KNIGHT MONTE A &	KNIGHT SHARON		1843 7TH AVE	LEWISTON	ID	83501	1843 7TH AVE
RENCH ALYSSA N &	RENCH PATRICK E		1834 7TH AVE	LEWISTON	ID	83501	1834 7TH AVE
BECKLEY CHADRICK G			6672 WAPITI DR	LEWISTON	ID	83501	1850 IDAHO ST
SIX SETH &	SIX JESSICA &		430 18TH ST UNIT A	LEWISTON	ID	83501	430 18TH ST
TODD BLAKE	ATTY-IN-FACT FOR WORKMAN'S		P O BOX 359	LEWISTON	ID	83501	1901 IDAHO ST
ARBOR COURT LLC		LAUDER MANAGEMENT	301 S MAIN ST	MOSCOW	ID	83843	1818 7TH AVE
BOYER BRYAN &	BOYER EMILY		1724 IDAHO ST	LEWISTON	ID	83501	1724 IDAHO ST
KISSLER ENTERPRISES LTD PTR			1125 W AMITY RD	BOISE	ID	83705	326 18TH ST
THAIN PROPERTIES L L C			651 THAIN RD STE B	LEWISTON	ID	83501	307 19TH ST
ARBOR COURT LLC		LAUDER MANAGEMENT	301 S MAIN ST	MOSCOW	ID	83843	1802 7TH AVE
MCCLURE DARYA S			1827 7TH AVE UNIT A	LEWISTON	ID	83501	1827 7TH AVE
WEDDLE DONNITA REVOCABLE TRUST			P O BOX 762	LEWISTON	ID	83501	1825 7TH AVE
BIRDELL BRUCE R			P O BOX 324	LEWISTON	ID	83501	1836 7TH AVE
KCLB LLC			1223 3RD ST	LEWISTON	ID	83501	1828 IDAHO ST
BOYER BRYAN &	BOYER EMILY		1724 IDAHO ST	LEWISTON	ID	83501	
WYMAN RICHARD J &	WYMAN MARILEE E		1839 7TH AVE	LEWISTON	ID	83501	1839 7TH AVE
U R M STORES INC			P O BOX 3365	SPOKANE	WA	99220-336	1846 G ST
SBC MANAGEMENT LLC		COMBELICK STEPHEN	5222 NW BLUFF DR	PARKVILLE	MO	64152	1901 7TH AVE
CHESNUT LOIS			758 20TH AVE	CLARKSTON	WA	99403	1900 IDAHO ST
1818 G STREET L L C			24296 MEMORY LN	JULIAETTA	ID	83535	1818 G ST
TUTCHER VIRGINIA A CARGILL		ROBERT SCOTT CARGILL	302 11TH AVE	LEWISTON	ID	83501	319 19TH ST
BECKLEY CHADRICK G			6672 WAPITI DR	LEWISTON	ID	83501	1850 IDAHO ST
JOHNSON SUZAN KERRIE			33954 SETTLERS LN	LENORE	ID	83541	1842 IDAHO ST
KELLOGG GARY F &	KELLOGG RANDI V		1410 E DEERSKIN ST	PAHRUMP	NV	89048	1802 IDAHO ST
WISEMORE JACOB D &	WISEMORE DIAMOND TENISE		21909 128TH ST E	BONNEY LAKE	WA	98391	1828 7TH AVE
BBA PROPERTIES LLC			PO BOX 874	LEWISTON	ID	83501	1811 7TH AVE
SANCHEZ MICHAEL W			423 18TH ST	LEWISTON	ID	83501	423 18TH ST



STAFF USE ONLY

Case Number: **2NC23-000007**

Hearing Date: _____

**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: Jacobs Keith E. Date: 09/25/2023
Last First M.I.

Address: 316 3rd Street
Street Address

Kamiah Idaho 83536
City State ZIP Code

Phone: 208-507-1468 Email: kjacobs@jacobs lumber.com

Property Owner: KK Jacobs Properties, LLC Phone: 208-935-2508

Property Owner Mailing Address: 316 3rd Street, Kamiah, Idaho 83536

DESCRIPTION OF PROPERTY

Street Address of Subject Property: 1828 Idaho Street, Lewiston

Subdivision Name: Mrs. S.C. Thompson's Second Addition

Block: Five Lot: 10, 12, and 14

OR, if not part of a subdivision, attach a metes and bounds description RPL 16700050140
RPL 16700050120
RPL 16700050100

NATURE OF REQUEST

Change **FROM** Zone District: R-4, high density residential **TO** Zone District: C-4, general commercial

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.

According to information received from Katie Hollingshead, this property

fits within the city's Comprehensive Plan Designation to be zoned C-4, general

commercial in the future. Half of the adjoining properties are already zoned C-4.

The request made in the application conforms to the Comprehensive

plan map and the text. The text encourages commercial activities be established in the

downtown area, near 21st street, and on East Main Street, which are all areas near the Subject

Property.

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

Although the Subject Property is currently zoned for high density residential, the structure located on

on the Subject Property is a single family home. Because of its location on Idaho Street, near 21st Street

and in a high traffic area, the structure is better suited for use as an office or professional building.

In addition, the Subject Property is in a predominately commercially zoned area and is surrounded by

other businesses.

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

The vicinity of the Subject Property is already a high traffic area that is subject to commercial use.

Adding a professional building will not increase traffic or present any foreseen consequences that

cannot be easily mitigated.

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.

The proposed change should not cause any changes in delivery of services.

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.

At this time, our intent is to use the existing structure as an office or professional building.

Thus, the property will not be extensively or intensely developed. We do plan to clean the property up

and improve the property, esthetically. Because of that, and the current uses of the surrounding

land, there should be no burden on the neighborhood, public infrastructure, or environmental

resources.

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

I do not believe this property is in a historic district.

APPLICANT'S CERTIFICATION

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

Signature: Keith E. Gault Date: 10/3/23

The Property Owner hereby authorizes this application:

Signature: Keith E. Gault Date: 10/3/23

**** 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

EXHIBIT A
LEGAL DESCRIPTION OF THE PREMISES

PARCEL 1

Lot 12, Block 5, Mrs. S.C. Thompson's Second Addition to the City of Lewiston, Idaho, according to the recorded plat thereof, records of Nez Perce County, Idaho.

PARCEL 2

Lot Fourteen (14), Block Five (5), Mrs. S.C. Thompson's Second Addition to the City of Lewiston, Nez Perce County, Idaho, according to the official plat thereof, recorded in Book 1 of Plats, at page 151, records of Nez Perce County, Idaho.

PARCEL 3

Lot 10, Block 5, Mrs. S.C. Thompson's Second Addition to the City of Lewiston, Idaho, according to the recorded plat thereof, records of Nez Perce County, Idaho.

Ryan Houlihan
Houlihan Homes LLC
208-982-1561
HoulihanHomesLLC@gmail.com

Search Results:
0 Properties

Search Filters

Last Sale Date
to

Last Sale Price
to

Appraisal Value
to

Last Transfer Date
to

Owner Name

Owner Occupied
All

Vacant
☐ Yes ☒ No

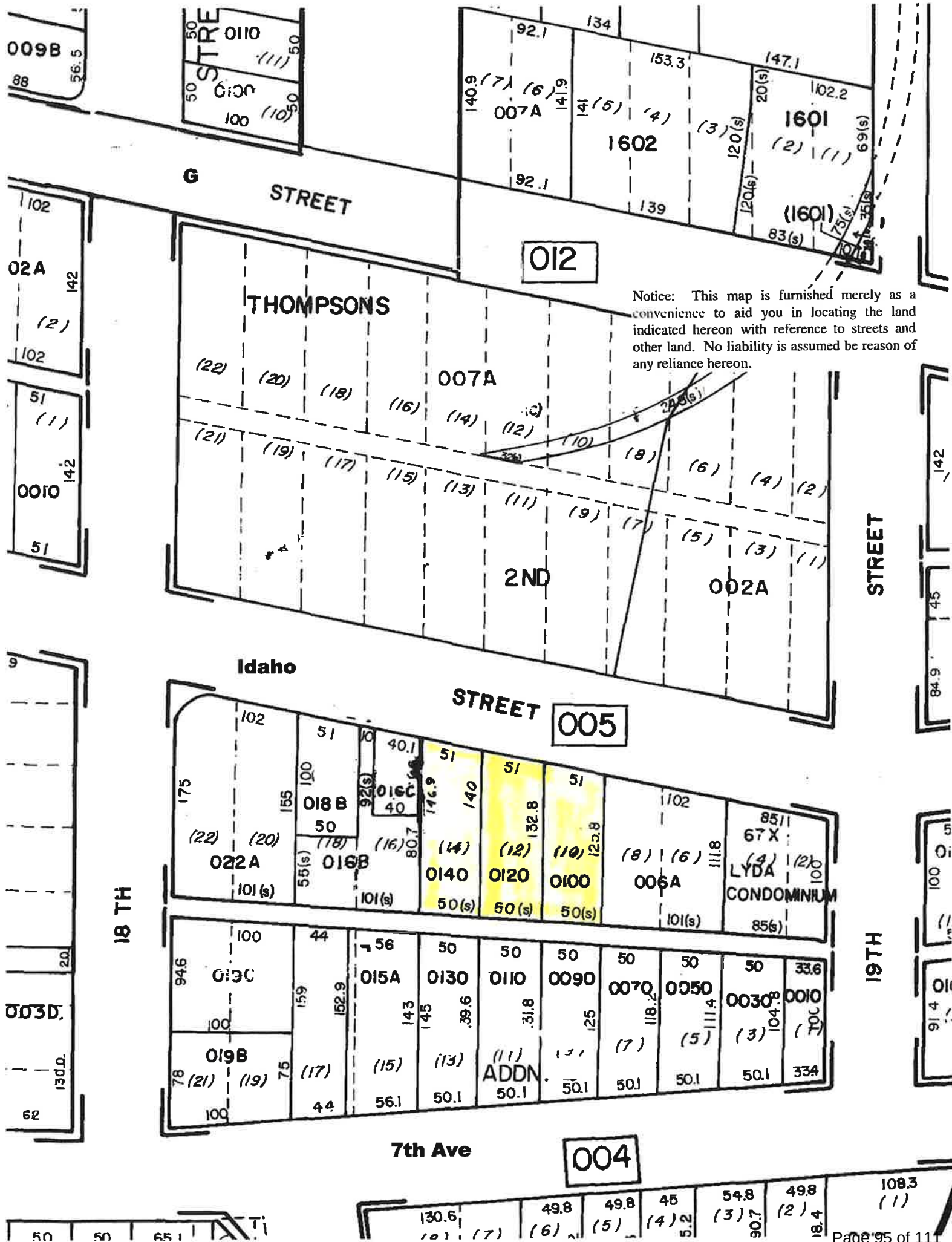
Acreage
to

Year Built
to

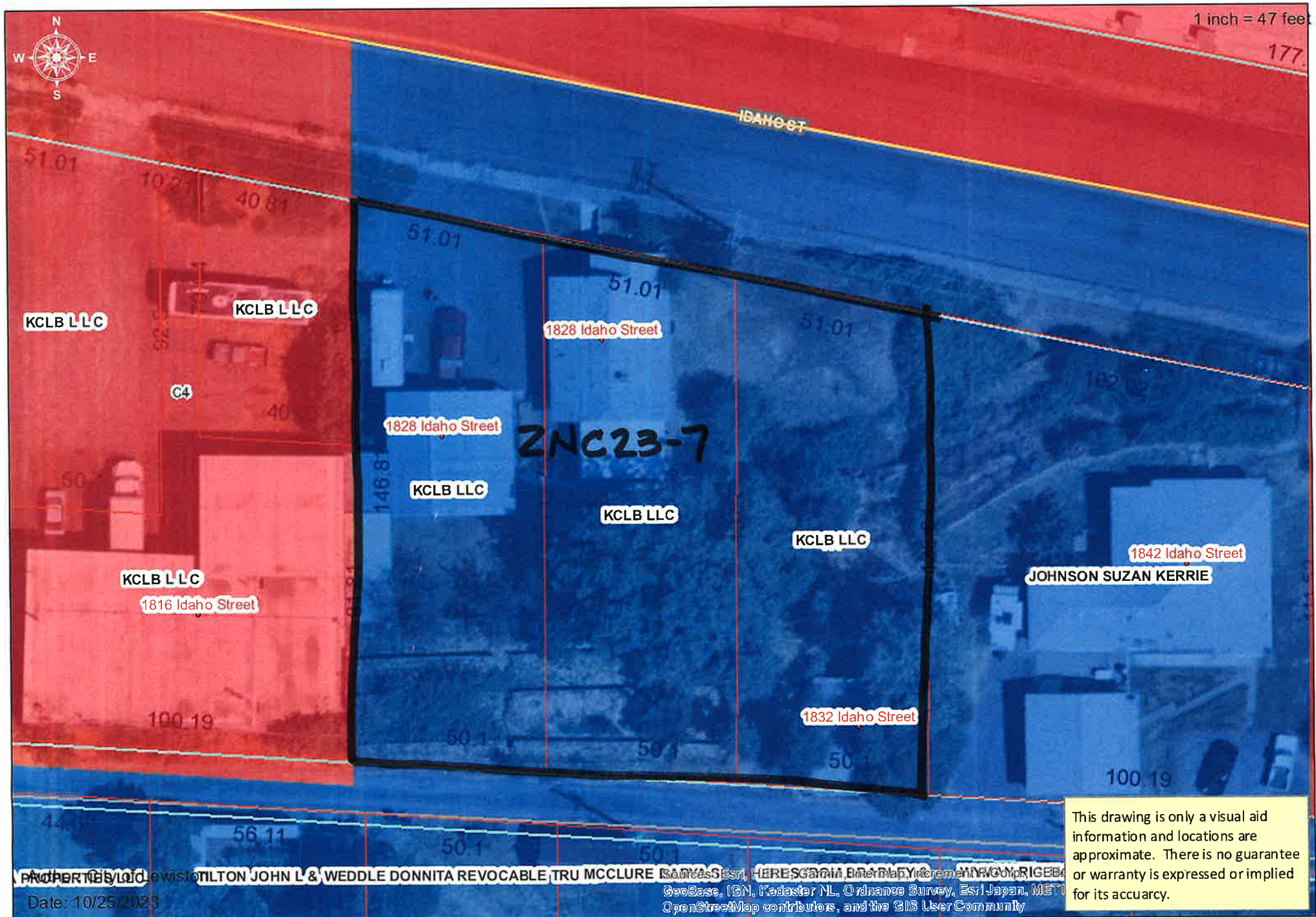
Building Sq. Ft.



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City of Lewiston



City of Lewiston





PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 11/22/2023

Case File Number: ZNC23-7

Applicant:

Keith Jacobs
316 3rd Street
Kamiah, ID 83536

Property Owner:

KK Jacobs Properties, LLC
316 3rd Street
Kamiah, ID 83536

Site Location:

1828 Idaho Street
Lewiston, ID 83501

Request/Proposal: The applicant requests that the tax parcels RPL16700050140, RPL16700050120, and RPL16700050100, also known as 1828 and 1832 Idaho Street, be rezoned from High Density Residential, R4, Zone to General Commercial, C4, Zone.

Subject Property and Surrounding Land Uses:

The subject property currently contains a single family dwelling and a storage building. To the north are commercial uses such as a wholesale retailer and a former building supply store that is now used as a storage lot with offices and parking. To the east is a single family dwelling and then more commercial uses (hearing aid retailer, dentist office, various business offices) and to the west are commercial uses such as a computer repair shop and a large storage unit

ZNC23-7

complex. Uses to the south (across the alley) are residential with a mixture of single family, duplex and multi-family dwellings.

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

DIVISION 9. - HIGHER DENSITY RESIDENTIAL ZONE R-4

- **Sec. 37-50. - R-4 higher density residential zone.**
 - (a) *Purpose.* To accommodate a compatible mixture of residential uses in proximity to major community facilities, employers, arterials and commercial developments. Such uses generally serve as transition or buffer zones between major arterials or more intensively developed areas and residential districts.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 20, 10-25-99)

- **Sec. 37-51. - Uses permitted outright.**

In an R-4 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) Hospital;
- (7) Intermediate care facility, subject to the special conditions of [section 37-44.1](#)(1) of this Code;
- (8) Long-term care facility, subject to the special conditions of [section 37-44.1](#)(2) of this Code;

(9) Manufactured home park, subject to the provisions of [chapter 23](#) of this Code, with a maximum density of eighteen (18) dwelling units per acre;

(10) Mortuary, subject to the special conditions of [section 37-20.1](#)(1) of this Code;

(11) Multifamily dwelling, meeting the standards of [section 37-124.1](#) of this Code;

(12) School, subject to the special conditions of [section 37-20.1](#)(3) of this Code;

(13) Single-family dwelling;

(14) Small lot development subject to the requirements of [section 37-33](#) of this Code, standards for small lot development;

(15) Tiny house village, subject to the provisions of [chapter 23](#) of this Code, with a maximum density of eighteen (18) dwelling units per acre;

(16) Two-family dwelling.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4161, § 6, 7-1-96; Ord. No. 4249, § 21, 10-25-99; Ord. No. 4385, § 9, 2-14-05; Ord. No. 4386, § 4, 2-14-05; Ord. No. 4433, § 5, 1-9-06; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4676, § 18, 11-28-16; [Ord. No. 4841](#), § 10, 11-14-22)

• **Sec. 37-52. - Conditional uses permitted.**

In an R-4 zone, the following uses and their accessory uses are permitted when authorized in accordance with the standards and requirements in articles IV and IX:

(1) Repealed by Ord. No. 4742.

(2) Day care center, subject to the special conditions of [section 37-20.1](#)(5) of this Code;

(3) Dormitory, subject to the special conditions of [section 37-44.1](#) of this Code;

(4) Group day care, subject to the special conditions of [section 37-13.1](#)(3) of this Code;

(5) Intensification, or expansion of commercial uses of ten (10) percent of the building area or more which were legally established and licensed for business and occupation;

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

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

(8) Public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;

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

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

(11) Semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 22, 10-25-99; Ord. No. 4322, § 5, 12-9-02; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4385, § 10, 2-14-05; Ord. No. 4386, § 5, 2-14-05; Ord. No. 4531, § 5, 7-13-09; Ord. No. 4742, § 2J, 8-19-19; Ord. No. 4799, § 8, 3-8-21)

• **Sec. 37-53. - Lot size.**

In an R-4 zone, the minimum lot size shall be as follows:

(1) Lot area shall be a minimum of five thousand (5,000) square feet plus an additional one thousand six hundred (1,600) square feet per dwelling unit over one (1).

(2) Lot width shall be a minimum of fifty (50) feet.

(3) Lot depth shall be a minimum of eighty (80) feet.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4499, § 2, 1-28-08; Ord. No. 4531, § 5, 7-13-09; Ord. No. 4676, § 19, 11-28-16)

• **Sec. 37-54. - Yards.**

Except as provided in article VIII, in an R-4 zone minimum yard requirements shall be as follows:

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

(2) A side yard shall be a minimum of five (5) feet and the total of both side yards shall be a minimum of fifteen (15) feet, except that on corner lots the side yard on the street side shall be a minimum of fifteen (15) feet from the property line or thirty-five (35) feet from the centerline of the street, whichever is greater.

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

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

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

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4676, § 20, 11-28-16)

- **Sec. 37-55. - Lot coverage.**

In an R-4 zone, buildings shall not cover more than fifty (50) percent of the lot.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4676, § 21, 11-28-16)

- **Sec. 37-56. - Height of buildings.**

In an R-4 zone no building shall exceed a height of sixty (60) feet.

(Ord. No. 4108, § 2, 8-15-94)

DIVISION 15. - GENERAL COMMERCIAL ZONE C-4

- **Sec. 37-70. - General commercial zone C-4.**

(a) *Purpose.* To provide areas to serve the city and regional needs for commercial goods and services. Such areas shall be compatible with adjacent residential development.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 34, 10-25-99)

Sec. 37-71. - Uses permitted outright.

In a C-4 zone the following uses and their accessory uses are permitted outright subject to the standards of article IV:

(1) Auto, boat, manufactured home, recreational vehicle, heavy equipment sales and service;

(2) Building supply outlet;

(3) Business or professional offices;

(4) Car wash, subject to the special conditions of [section 37-60.1](#)(1) of this Code;

(5) Commercial entertainment facility, subject to the special conditions of [section 37-69.1](#)(3) of this Code;

(6) Day care center, subject to the special conditions of [section 37-20.1](#)(5) of this Code;

(7) Eating or drinking establishment;

(8) Financial institutions;

(9) Greenhouses and nurseries;

(10) Laundry and dry cleaners;

- (11) Mini-storage, subject to the special conditions of [section 37-69.1](#)(1) of this Code;
- (12) Mortuary;
- (13) Motel/hotel;
- (14) Multifamily residential uses not on the ground floor of a building;
- (15) Personal services;
- (16) Preschool, subject to the special conditions of [section 37-20.1](#)(6) of this Code;
- (17) Public or governmental offices or semi-public uses which uses are similar to other uses permitted outright in this zone;
- (18) Residential uses legally established as of December 31, 2004;
- (19) Retail sales and service;
- (20) Service station, subject to the special conditions of [section 37-60.1](#)(2) of this Code;
- (21) Repealed by Ord. No. 4742.
- (22) Repealed by Ord. No. 4742.
- (23) Repealed by Ord. No. 4753.
- (24) Veterinary clinic or kennel, subject to the special conditions of [section 37-69.1](#)(2) of this Code;
- (25) Recreational vehicle park, subject to the provisions of [chapter 23](#), article II of this Code;
- (26) Church.

(Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 35, 10-25-99; Ord. No. 4322, § 4, 12-9-02; Ord. No. 4346, § 2, 11-17-03; Ord. No. 4390, § 4, 2-14-05; Ord. No. 4398, § 13, 1-9-06; Ord. No. 4531, § 8, 7-13-09; Ord. No. 4698, § 17, 10-30-17; Ord. No. 4742, § 2P, 8-19-19; Ord. No. 4753, § 5, 12-14-19)

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-

Sec. 37-72. - Conditional uses permitted.

In a C-4 zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of articles IV and IX:

- (1) Tire recapping;
- (2) Truck terminal;
- (3) Multifamily residential when located on the ground floor of a structure;

ZNC23-7

- (4) Wholesale warehouse;
 - (5) Adult bookstore;
 - (6) Adult theaters;
 - (7) Adult entertainment facility;
 - (8) Other public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;
 - (9) Other 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;
 - (10) Repealed by Ord. No. 4753.
 - (11) Homeless shelter, subject to the standards of [section 37-125](#) of this Code;
 - (12) Other general commercial uses which are not permitted outright but which are consistent with the purpose of the C-4 zone, and are not detrimental to any of the outright permitted uses or other existing conditional uses or to nearby residential uses;
 - (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) A nonconforming commercial use may expand to bring that use into compliance with the requirements of this chapter, article VII, off-street parking and loading. Such nonconforming commercial use may expand onto a separate parcel containing a conforming use where that parcel is abutting the nonconforming use for purposes of parking only;
 - (16) Bridge housing shelter, subject to the standards of [section 37-125](#) of this Code;
 - (17) Transitional housing village, subject to the provisions of [chapter 42](#) of this Code.
- (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 36, 10-25-99; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4346, § 2, 11-17-03; Ord. No. 4689, § 4, 4-24-17; Ord. No. 4753, § 6, 12-14-19; Ord. No. 4799, § 14, 3-8-21; Ord. No. 4838, § 2, 12-13-21; [Ord. No. 4841](#), § 13, 11-14-22)

- **Sec. 37-73. - Development standards.**

In a C-4 zone, the following development standards shall apply and be in force:

- (1) *Maximum height for buildings.* Sixty (60) feet.

(2) *Maximum lot coverage.* None.

(3) *Minimum lot size.* None.

(4) *Minimum front yard.* None except property abutting Thain Road shall have a twenty-foot minimum.

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

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

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

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

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

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

(Ord. No. 4108, § 2, 8-15-94)

- **Sec. 37-74. - Reserved.**
- **Sec. 37-75. - Temporary conditional use.**

The purpose of the temporary conditional use in a C-4 zone is to enable a better temporary use of certain existing structures to ease their transition from certain light industrial uses to general commercial uses in compliance with the goals and purposes of the comprehensive plan of the City of Lewiston.

In a C-4 zone, the temporary conditional uses of fabricating and assembly operations may be permitted only if the following conditions have been met:

(1) The use shall only apply to existing structures and shall be compatible with the existing structures on the subject property. No exterior construction which substantially alters the existing structure shall be permitted by the grant of this conditional use and the building must be inspected by a building official.

(2) For the purposes of this section, an existing structure is one that was constructed prior to January 1, 1981.

(3) The use shall be compatible with all uses in existence within the surrounding area in that it will not create an adverse impact on traffic, noise levels, fire safety standards, clean air standards, water purity standards or detract from the nature and character of the surrounding uses.

ZNC23-7

(4) The temporary conditional use shall not be granted outright and shall be strictly controlled, subject to such conditions as may be directed by the commission or the council to insure that the use shall be compatible as set forth in subsection (3) herein.

(5) The temporary conditional use shall be granted only after following the same procedure for conditional uses in accordance with articles IV and IX.

(6) The allowance of a temporary conditional use shall not grant the applicant any permanent rights in the use of the property. The temporary conditional use shall automatically terminate upon the expiration of a period of time to be set by the commission or the council which period of time shall in no event exceed five (5) years. Nothing shall prevent the holder of a temporary conditional use from applying for a new temporary conditional use for the same or similar purposes at, near or after the expiration date of a temporary conditional use granted pursuant to this section. Such an application shall be treated in all respects as a new application.

(7) In any hearing concerning the allowance of a temporary conditional use pursuant to this section, the commission or the council shall consider and make findings and conclusions concerning the following:

- a. Specific findings with respect to subsections (1) through (6) of this section; and
- b. The nature and extent of the temporary conditional use shall be specifically set forth by the commission and the council and no implied use shall arise therefrom; and
- c. That the trend of the use of the area to general commercial use will not be impeded by the length of time for which the temporary conditional use is allowed.

(Ord. No. 4108, § 2, 8-15-94)

ARTICLE XII. AMENDMENTS

Sec. 37-178. Authorization to initiate amendments. [SHARE](#)

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

Sec. 37-179. Public hearing and records of amendments. [SHARE](#)

The commission shall hold a public hearing on every requested change in zoning district boundaries in accordance with section [37-184](#) of this chapter. Its recommendations on each request zone change shall be transmitted to the city council. No zone change shall be accomplished other than by ordinance duly passed by the city council. The city clerk shall

maintain records of amendments to this chapter in a form convenient for use by the public.
(Ord. No. 4108, § 2, 8-15-94)

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

 SHARE

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

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

Comprehensive Plan:

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

Relevant statements from the Comprehensive Plan include the following:

CHAPTER 6. LAND USE

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

GOAL (LU-2.0): Assure that there is sufficient commercially zoned land available in the City.

OBJECTIVES: LU-2.1: Review and revise the Comprehensive Land Use Plan Map as necessary to assure that sufficient land is available in each commercial zone, particularly those accommodating local commercial services and those serving the travelling public. Such review should occur every three years, or more frequently, if necessary. Resulting expansions to commercial zones should be in conformance with the other goals and objectives of this plan.

LU-2.2: Review the zoning ordinance to assure that commercial zoning designations accommodate varied commercial activities sufficiently, while protecting adjacent land uses. Assure that commercial zoning designations have distinct and meaningful differences that fulfill a planning purpose. Revise the zoning ordinance as necessary.

GOAL (LU-10.0): To the extent that the demand for commercial land can be accommodated, encourage the concentration of new and existing commercial uses in existing commercial areas.

ZNC23-7

Chapter 10, Transportation.

Idaho Street is a collector street. 18th Street to the west is an arterial and 19th Street to the east is a local road.

Although there is not a bus stop along Idaho Street, the subject property is located on the East Route bus route.

Input From Other Departments/Agencies:

The Fire Department commented; "Plans provided by an Idaho licensed architect and permits for associated work required for the change of occupancy prior to occupancy and/or business license approval."

The Engineering Division of the Public Works Department commented; "Engineering has no objections to zone change. Change of use will require that frontage be brought up to ADA compliance."

Analysis:

The subject property is three parcels, totaling .468 acres of land, with a single family dwelling and an accessory building currently on the property. The applicant proposes to rezone the property to the General Commercial, C4, zone, so that they can convert the existing single family dwelling into a business office. The properties to the north and west are zoned C4 and the Comprehensive Plans calls for a future land use of commercial in this section of Idaho Street.

Surrounding properties are a mix of commercial uses and high density residential uses (residential uses to the south of the subject property). The subject property is on a slope, with Idaho Street being at an elevation of approximately 750 feet and the alley to the south of the subject project at an elevation of approximately 770 feet. This topography does help to provide a natural barrier between the commercial and residential uses. In addition to the topography, the built environment also provides distance between the commercial and residential uses, with the existing single family dwelling on the subject property situated adjacent to the right of way line on Idaho Street and the adjacent properties to the south, across the alley, having their buildings very close to the right of way on 7th Ave (utilizing the northern portion of those properties for off street parking for tenants).

The neighboring single family dwelling to the east (1842 Idaho Street) is separated from the existing single family dwelling on the subject property by a 51 foot wide parcel that contains a detached garage on the southern end of the parcel. This parcel provides a buffer from the proposed office to that single family dwelling. The existing office building at the corner of Idaho Street and 19th Street is currently located closer in proximity than the subject property's building.

Idaho Street is a collector street and the East Route bus route runs along this section. The subject property is located in the middle of the block with 18th Street intersecting with Idaho Street to the west (18th is an arterial street) and 19th Street intersecting with Idaho Street to the east (19th is a local road).

Relevant Criteria and Standards:

See attached worksheet.

Prepared By:

Katie Hollingshead

(208) 746-1318, ext. 7261

khollingshead@cityoflewiston.org

P.O.Box 617

Lewiston, ID 83501

**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:

VI. NATURE OF APPLICATION:

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:

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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNC**XXX**

Page 1 of 2

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** 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.

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 Name: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Specialist