

City of Lewiston

Planning and Zoning Commission Bylaws

Article I. Name

The name of this advisory board or commission is the Planning and Zoning Commission, hereafter referred to as the "Commission".

Article II. Membership

The Commission shall consist of seven (7) voting members.

Article III. Officers

- A. The officers of the Commission shall be a chairperson and vice-chairperson elected from among the Commission members at the first regularly scheduled meeting in January, or at such other time as the Commission deems feasible.
- B. Officers shall serve a term of one (1) year from the meeting at which they are elected and until their successors are duly elected.
- C. The chairperson shall preside at all meetings of the Commission, authorize calls for any special meetings, appoint all committees, execute all documents authorized by the Commission, serve as an *ex officio* voting member of all committees, and generally perform all duties associated with that office.
- D. The vice-chairperson, in the event of the absence or disability of the chairperson or of a vacancy in that office, shall assume and perform the duties and functions of the chairperson.
- E. In the event of the absence of the chairperson and vice-chairperson, those Commission members present shall elect, by majority vote, a temporary chairperson for that meeting. Should the chairperson or vice-chairperson arrive, the temporary chairperson shall relinquish the chair upon the conclusion of the item of business then in consideration before the Commission.

Article IV. Meetings and Minutes

- A. All Commission meetings shall be governed by the Idaho Open Meetings Law, I.C. §§ 74-201 *et seq.*; and all Commission records shall be subject to the Idaho Public Records Act, I.C. §§ 74-101 *et seq.*, and the City of Lewiston records retention schedule.
- B. Regular meetings shall be held on second and fourth Wednesday of each month at five thirty (5:30) p.m. in the large, second floor meeting room of the Community Development Department office building at 215 D Street, or at such other location or time as shall be designed in advance. If a day fixed for a regular meeting falls on a holiday recognized by the City of Lewiston, then such meeting shall be cancelled.
- C. Special meetings may be called by a consensus of the Commission, the chairperson, or the staff liaison. If the time and place of a special meeting has not been determined at a regular meeting with all

Commission members present, then a notice of the time and place of the special meeting shall be sent to all Commission members as soon as practicable.

D. Unless otherwise provided by law, a quorum for the transaction of business at any meeting shall consist of a majority of the currently appointed voting members of the Commission.

E. Meeting minutes of the Commission shall comply with Idaho Code Title 74, Chapter 2. Meeting minutes shall be maintained in accordance with the City of Lewiston records retention schedule.

Article V. Rules of Debate

A. *Recognition by chairperson and interruptions prohibited.* A Commission member desiring to speak at a meeting shall address the chairperson and, upon recognition by the chairperson, shall confine himself or herself to the question under debate. A Commission member, once recognized by the chairperson, shall not be interrupted when speaking.

B. *Call for the question.* A Commission member may call for the question upon being recognized by the chairperson. If the motion to call for the question is seconded, debate shall not be allowed, and the motion must be approved by two-thirds (2/3) of the Commission members present. If the motion is so approved, the Commission shall immediately vote on the underlying question without further debate.

Article VI. Committees

A. As authorized by the Commission, the chairperson may appoint committees of one (1) or more Commission members and/or members of the community at large, each for such specific purposes as the business of the Commission may require from time-to-time. A committee shall be considered to be discharged upon completion of the purpose for which it was appointed and after a final report is made to the Commission.

B. All committees shall make a progress report to the Commission at each Commission meeting.

C. No committee shall have other than advisory powers unless, by suitable action of the Commission, it is granted specific power to act.

D. All committee meetings shall be governed by the Idaho Open Meetings Law, I.C. §§ 74-201 *et seq.*; and all committee records shall be subject to the Idaho Public Records Act, I.C. §§ 74-101 *et seq.*, and the City of Lewiston records retention schedule.

Article VII. General

A. *Voting.* An affirmative vote of the majority of all Commission members present at the time shall be necessary to approve any action before the Commission. A motion shall fail if votes upon such motion are tied. The chairperson may vote upon and may move or second a proposal before the Commission. Unless otherwise provided by law, every Commission member present when a question is put forth shall vote for or against the same. Unless excused from voting, if a Commission member refuses or fails to vote, and the result of such refusal or failure creates a tie, that Commission member's vote shall be counted as an "aye." If a Commission member is excused from voting, that member may be counted for purposes of determining a quorum, but shall not be counted toward the minimum number of votes required to pass or reject a motion.

B. *Conflicts of interest.* Commission members shall adhere to the applicable provisions in Idaho Code regarding conflicts of interest.

C. *Conflicts.* In the event of a conflict between a provision in these Bylaws, the Lewiston City Code, and/or Idaho Code, the order of priority shall be Idaho Code, the Lewiston City Code, and these Bylaws.

D. *Amendments.* The Commission may amend the number of voting members (Article II); when officers will be elected and the duties of additional officers, if applicable (Article III); and the date, time, and location of regular meetings (Article IV) upon majority vote of the full Commission; approval from the City Council shall not be required to amend such provisions. However, the remaining provisions of these Bylaws shall not be amended by the Commission without prior approval from the City Council.

These Bylaws were adopted by the Commission on March 11, 2020. These Bylaws shall replace and supersede any previously-adopted Bylaws of the Commission.



Signature of Commission Chair

March 11, 2020

Date



Attest

December 27, 2023

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

I. CALL TO ORDER

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

COMMISSIONERS EXCUSED: None.

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

II. CITIZEN COMMENTS

None

III. ACTIVE AGENDA

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

Commissioners Ball and Anderson moved and seconded, respectively, approval of the December 13, 2023 meeting minutes. The motion carried 6-0.

B. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR CONDITIONAL USE PERMIT APPLICATION CUP23-5 BY BRIAN KRUEGER FOR 1407 POWERS AVE (ACTION ITEM):

Vice Chairperson Iacoboni and Commissioner Kelly moved and seconded, respectively, to approve the reasoned statement as presented. The motion carried 6-0.

C. APPROVAL OF THE REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS FOR REZONE APPLICATION ZNC23-7 BY KEITH JACOBS FOR 1828 AND 1832 IDAHO STREET (ACTION ITEM):

Commissioners Anderson and Brandon moved and seconded, respectively, to approve the reasoned statement as presented. The motion carried 6-0.

D. INITIATION OF ZONING CODE AMENDMENT ZA-03-23 TO CHANGE SEC. 37-193, PENALTY (ACTION ITEM):

Assistant City Attorney Tengono presented the request to the Commission to remove the word "petty" from "petty misdemeanor" because the State of Idaho

does not recognize “petty misdemeanor” as an infraction and City code does not provide a definition for “petty misdemeanor” and does not use that language anywhere else in the code.

Commissioner Kelly motioned and Commissioner Anderson provided the second to initiate the zoning code amendment to remove the word “petty” from section 37-193. The motion passed 6-0.

E. INITIATION OF ZONING CODE AMENDMENT ZA-04-23 TO CHANGE SEC 37-140.1 HOME OCCUPATION GENERAL PROVISIONS (ACTION ITEM):

Assistance City Attorney Tengono present to the Commission that the Community Development Department is working on some amendments to Chapter 30, Sign Code and one such amendment will also require an amendment to Sec. 37-140.1 to prevent conflicts. Although amendments to Chapter 30 do not require initiation from the Commission, the related amendment to Sec. 37-140.1 does.

Commissioner’s Ball and Branson moved and seconded, respectively, to initiate zoning code amendment ZA-04-23. The motion passed 6-0.

IV. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for January 10, 2024 meeting.

All Commissioners, except Commissioner Kelly, are able to attend the January 10, 2024 meeting.

Assistant City Attorney Tengono noted for the Commission that she has adjusted the notes on the agenda for the Commission to remind the Commission that if they want to amend a presented reasoned statement or direct staff to draft a new or different reasoned statement that can be done during the motion to allow for discussion.

Commissioner Iacoboni asked if the open Commission seat was being advertised. Assistant Planner Hollingshead stated that the Public Information Officer and City Clerk were working on advertising the seat and collecting applications.

V. ADJOURN

There being no further business, Commissioner’s Anderson and Branson moved and seconded, respectively, to adjourn. The motion carried 6-0 and the Planning and Zoning Commission adjourned at approximately 5:41 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2023.



\$ 325-

pd 12/20/2023

STAFF USE ONLY

Case Number: CUP23-000006

Hearing Date: January 10, 2024

Nature of CUP Application: _____

Multifamily - 3 units
in R2A zone.

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: Carlton, Steve Date: 12/20/2023
Last First M.I.

Address: 1103 Bryden Ave
Street Address Apartment/Unit #
Lewiston, Id. 83501
City State ZIP Code

Phone: 208-791-7681 Email: steve@stevecarltonconstruction.com

OWNERSHIP INFORMATION

Property Owner Name: See applicant information

Phone: _____ Email: _____

Mailing Address: _____

PROPERTY INFORMATION

Street Address of Subject Property: 3431 7th Street (unit 3)

Subdivision Name: _____ Block: _____ Lot: _____

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

Property Zoning: R-2A, low density residential

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 (not applicable)
- ☒ 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.

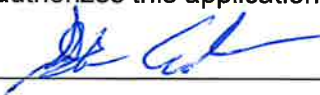
APPLICANT'S CERTIFICATION

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: 12/20/23

The Property Owner hereby authorizes this application:

Signature of Owner: 

Date: 12/20/23

NATURE OF YOUR REQUEST

1. Add a single-family, 2-bedroom dwelling unit onto an existing shop building. Lot has a duplex unit and separate shop building on the site. Request is to add a third dwelling unit attached to the existing shop building. The property is in a residential neighborhood. Site accessed by existing curb-cut and driveway which currently leads to the shop. The proposed new unit will have a garage and room for (2) exterior parking spaces.
2. Sewer, water, and garbage are available at this site. Stormwater detention shall be provided per city standards. There is a bus stop located approximately 1 block away, at the center of the block on the northeast side of the street on Burrell Ave.
- 3.a. The proposed use is a residential rental unit. The development will not result in conditions that will generate nuisances.
- 3.b. Proposed use will provide an affordable living unit.
- 3.c. The construction and finishing of the rental unit will be compatible with the adjacent residences in the area. Similar materials will be used. Wood frame construction, with paintable horizontal lap siding and asphalt shingle roof are proposed.
- 3.d. The proposed use is a residential unit located in a residential neighborhood.
- 3.e. The proposed use is a residential unit located in an R2A neighborhood.

KEYED NOTES

- 1 FIRE ACCESS ROAD ACCESS SIGNAGE. SIGN TO BE PLACED AT THE END OF THE FIRE ACCESS ROAD. SEE REQUIREMENTS ATTACHED (CITY STANDARD). SEE EXAMPLE A.
- 2 FIRE ACCESS ROAD END OF ROAD SIGNAGE. SIGN TO BE PLACED AT THE END OF THE FIRE ACCESS ROAD. SEE REQUIREMENTS ATTACHED (CITY STANDARD). SEE EXAMPLE B.
- 3 FIRE ACCESS ROAD NO PARKING SIGNAGE. SIGN TO BE PLACED AT THE END OF THE FIRE ACCESS ROAD. SEE REQUIREMENTS ATTACHED (CITY STANDARD). SEE EXAMPLE C.



SITE PLAN - PRELIMINARY 'C.1'

LED STANDARD OPERATING PROCEDURE

Address Sign for Fire Access Road

Example 1: November 2017

To install within requirements for address sign and roadway placards in accordance with International Fire Code Chapter 1

NOTES

1. Address sign shall be installed in accordance with the requirements of the International Fire Code Chapter 1.

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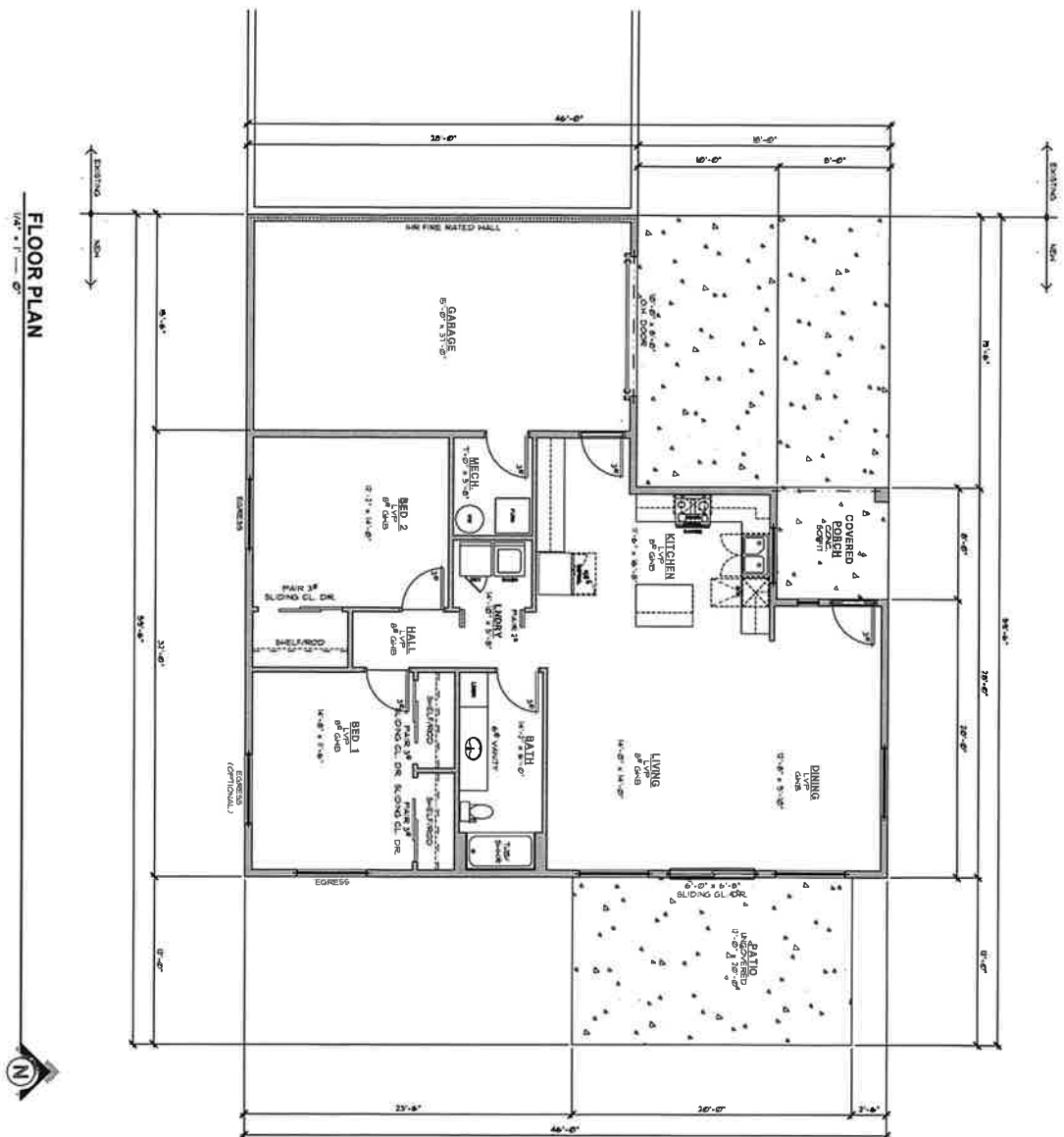
1. Address sign shall be installed in accordance with the requirements of the International Fire Code Chapter 1.



STEVE CARLTON CONSTRUCTION
RESIDENCE - CUA
3431 7th Street Unit 3 Lewiston Idaho
SITE PLAN

CLEVER FOX
ARCHITECTURE
2021 1st Street, Studio D, Lewiston, ID 83501
(209) 552-2463
office@cleverfoxarchitecture.com

PRELIMINARY ONLY - NOT FOR CONSTRUCTION
SHEET NO.
A1
DRAWN BY: TFW/AM
CHECKED BY: TFW
DATE: 07/20/2017
JOB NO: 23-09-34
REVISION DATE



PRELIMINARY ONLY - NOT FOR CONSTRUCTION

A3

SHEET NO.

REVISION DATE:

DRAWN BY: T-REACH
CHECKED BY: T-RE
DATE: 7/20/2023
JOB NO: 23-09-154



CLEVER FOX
ARCHITECTURE

(509) 552-3463

201 1st Street, Studio B, Lewiston, ID 83501

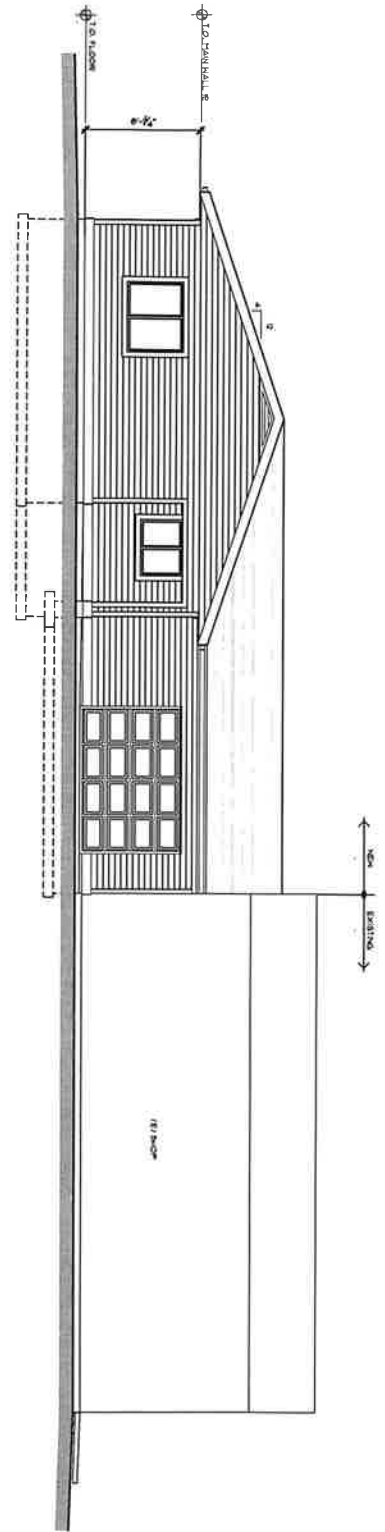
office@cleverfoxarchitecture.com

cleverfoxarchitecture.com

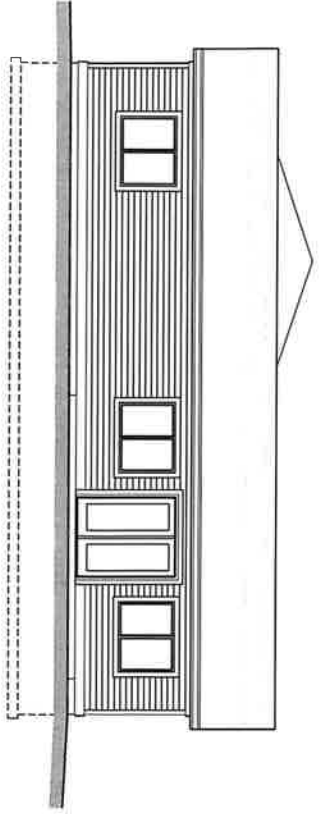
STEVE CARLTON CONSTRUCTION
RESIDENCE - CUA

3431 7th Street Unit 3 Lewiston Idaho

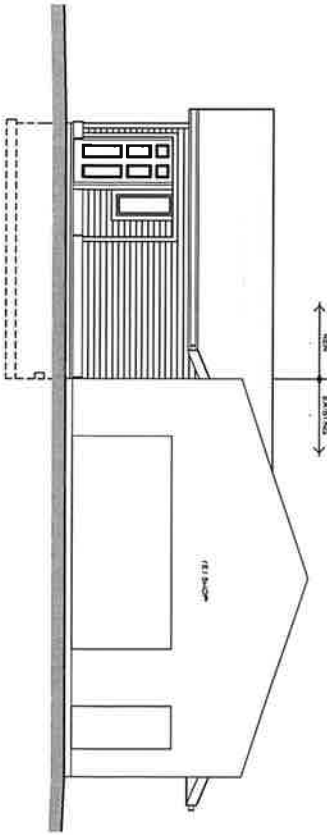
FLOOR PLAN



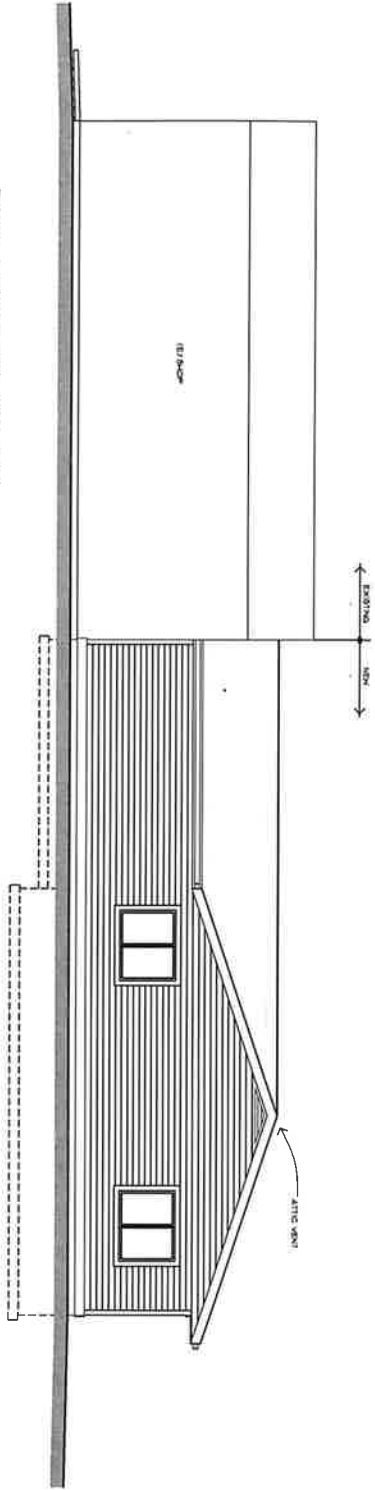
FRONT ELEVATION (NORTH)



RIGHT SIDE ELEVATION (EAST)



LEFT SIDE ELEVATION (WEST)



BACK ELEVATION (SOUTH)

ORIENTATION OF COMBO ON THE SITE TO BE
VERIFIED BY CONSTRUCTION

PRELIMINARY ONLY - NOT FOR CONSTRUCTION

SHEET NO.

A5

DRAWN BY: HIRACH
CHECKED BY: MR.
DATE: 7/26/2023
JOB NO: 23-09-54
REVISION DATE:



CLEVER FOX
ARCHITECTURE

(509) 552-3463 8201 1st Street, Studio B, Lewiston, ID 83501
office@cleverfoxarchitecture.com cleverfoxarchitecture.com

STEVE CARLTON CONSTRUCTION
RESIDENCE - CUA

3431 7th Street Unit 3 Lewiston Idaho

EXTERIOR ELEVATIONS

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 JANUARY 10, 2024 at 5:30 P.M.
COMMUNITY DEVELOPMENT DEPARTMENT BUILDING
2ND FLOOR MEETING ROOM,
215 D STREET LEWISTON, ID 83501

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

Testimony for public hearings may be made: in-person at the meeting, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208) 746-1318 ext 7265 and leaving a message.

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

CONDITIONAL USE PERMIT APPLICATION CUP23-6 BY STEVE CARLTON: The applicant requests conditional use permit approval for multi-family dwelling, adding one (1) detached dwelling unit to a .462 acre parcel that currently contains two (2) dwelling units (duplex) at 3431 7th Street, in the Low Density Residential, R2A, zoning district. Multi-family dwellings meeting the standards of Lewiston City Code 37-124.1 are allowed as a conditional use in the Low Density Residential, R2A, Zone.

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

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

Notice of this public hearing was mailed on 12/29/23 and 58 persons were noticed.

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

City of Lewiston



OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP	SITE_ADD
ALBRIGHT DARRIN L		639 BURRELL AVE	LEWISTON	ID	83501	639 BURRELL AVE
NORTON LAURA M		3430 7TH STREET D	LEWISTON	ID	83501	3430 7TH ST D
KOPP RICHARD E &	KOPP CONSTANCE L	638 BURRELL AVE	LEWISTON	ID	83501	638 BURRELL AVE
STEELE CLAYTON E &	STEELE MICHELLE M	636 AIRWAY DR	LEWISTON	ID	83501	636 AIRWAY DR
NAKANO RACHEL A &	NAKANO RYO	708 AIRWAY AVE	LEWISTON	ID	83501	708 AIRWAY AVE
ARNZEN RONALD A		3425 7TH ST	LEWISTON	ID	83501	3425 7TH ST
MARIA ALENE F		634 AIRWAY DR	LEWISTON	ID	83501	634 AIRWAY DR
KUCHMAK MICHAEL DAVID &	KUCHMAK DONNA J	633 BURRELL AVE	LEWISTON	ID	83501	633 BURRELL AVE
REYNOLDS JASON R &	REYNOLDS RONDA S	3426 7TH ST	LEWISTON	ID	83501	3426 7TH ST
LANNING AMY L		3439 7TH STREET D	LEWISTON	ID	83501	3439 7TH ST D
MCGALLIARD DAVID E		3421 7TH STREET D	LEWISTON	ID	83501	3421 7TH ST D
ROESNER SHANE &	ROESNER JENNIFER	716 AIRWAY AVE	LEWISTON	ID	83501	716 AIRWAY AVE
MANYON JEFFREY S &	MANYON TERESA M	PO BOX 852	LEWISTON	ID	83501	3440 7TH ST D
WEEKS STEVEN W		635 AIRWAY DR	LEWISTON	ID	83501	635 AIRWAY DR
STEELE DAREN L &	STEELE JAMI L	3421 7TH ST	LEWISTON	ID	83501	3421 7TH ST
WILKINS TY &	WILKINS AMANDA	631 AIRWAY DR	LEWISTON	ID	83501	631 AIRWAY DR
HANSON ERIC D &	HANSON DENISE M	630 AIRWAY DR	LEWISTON	ID	83501	630 AIRWAY DR
REED PAUL		3432 7TH ST	LEWISTON	ID	83501	3432 7TH ST
MUELLER SALLY A		3502 7TH ST	LEWISTON	ID	83501	3502 7TH ST
CASEY RICHARD W		3429 7TH ST	LEWISTON	ID	83501	3429 7TH ST
DIXON BRENTON J		702 BURRELL AVE	LEWISTON	ID	83501	702 BURRELL AVE
CARLTON STEVE W		1103 BRYDEN AVE	LEWISTON	ID	83501	715 BURRELL AVE
NICHOLSON DAVID W JR &	NICHOLSON MAURINE L	710 BURRELL AVE	LEWISTON	ID	83501	710 BURRELL AVE
CARLTON STEVE		1103 BRYDEN AVE	LEWISTON	ID	83501	3431 7TH ST
GEHRING R & R LLC	GEHRING ROYCE &	3428 7TH STREET D	LEWISTON	ID	83501	3428 7TH ST D
FARMER BENJAMIN &	FARMER PRECIOUS	3433 7TH ST	LEWISTON	ID	83501	3433 7TH ST
KLEMM HAROLD G &	KLEMM PATRICIA	701 BURRELL AVE	LEWISTON	ID	83501	701 BURRELL AVE
RR & RR PROPERTIES LLC		30942 RIVERROCK DR	LEWISTON	ID	83501	3435 7TH ST D
BONNER DYLAN CHASE &	BONNER NICOLE MARIE	18776 COUNTRY LN	JULIAETTA	ID	83535	634 AIRWAY AVE
TANATA SHAWN J &	TANATA KRISTIN	633 AIRWAY DR	LEWISTON	ID	83501	633 AIRWAY DR
THOMPSON HELEN L FAMILY TRUST		3422 7TH STREET D	LEWISTON	ID	83501	3422 7TH ST D
PHIPPS PAUL RICHARD &	PHIPPS VICKY ARLENE	3427 7TH ST	LEWISTON	ID	83501	3427 7TH ST
GORDON AIMEE M &	GORDON JUSTIN	3427 7TH STREET D	LEWISTON	ID	83501	3427 7TH ST D
HARRELL TRACY		712 AIRWAY AVE	LEWISTON	ID	83501	712 AIRWAY AVE
GEHRING AMBER &	GEHRING JOHN	636 AIRWAY AVE	LEWISTON	ID	83501	636 AIRWAY AVE
SALZMAN THOMAS A		709 BURRELL AVE	LEWISTON	ID	83501	709 BURRELL AVE

DICKEY NORMA JEAN		3437 7TH STREET D	LEWISTON	ID	83501	3437 7TH ST D
CROOKS MICHAEL ALAN		3434 7TH STREET D	LEWISTON	ID	83501	3434 7TH ST D
KASPER TIMOTHY R &	MITCHELL STACEY	3434 7TH ST	LEWISTON	ID	83501	3434 7TH ST
CASH KEVIN M &	CASH TERESA M	3425 7TH STREET D	LEWISTON	ID	83501	3425 7TH ST D
MACKINNON LORENE S		3436 7TH ST D	LEWISTON	ID	83501	3436 7TH ST D
MEYER LOANNE C		3424 7TH STREET D	LEWISTON	ID	83501	3424 7TH ST D
LEWIS DIANE M		3433 7TH STREET D	LEWISTON	ID	83501	3433 7TH ST D
MILLS HAROLD &	MILLS ALICE	1019 GRELLE AVE	LEWISTON	ID	83501	3431 7TH ST D
ADAMS PAMELA S		266 RESERVOIR DR	LEWISTON	ID	83501	3429 7TH ST D
CARLTON STEVE W		1103 BRYDEN AVE	LEWISTON	ID	83501	713 BURRELL AVE
HELLMANN CAROL A		3438 7TH STREET D	LEWISTON	ID	83501	3438 7TH ST D
JEFFREYS KEVIN &	KELLY ANGELA	12101 N BRIGHTON CT	HAYDEN	ID	83835	3436 7TH ST
WEIDNER RICKY L		632 AIRWAY DR	LEWISTON	ID	83501	632 AIRWAY DR
SCHNEIDER BENJAMIN L &	SCHNEIDER SHANDI R	710 AIRWAY AVE	LEWISTON	ID	83501	710 AIRWAY AVE
CURTIS REBECCA A &	MEISNER POLLY R-RES LIFE EST	712 BURRELL AVE	LEWISTON	ID	83501	712 BURRELL AVE
HIEBERT GRANITE F &	HIEBERT JENNY L	3422 7TH ST	LEWISTON	ID	83501	3422 7TH ST
CARLTON STEVE W		1103 BRYDEN AVE	LEWISTON	ID	83501	713 BURRELL AVE
HASENOEHRL JARED J &	HASENOEHRL APRIL M	631 BURRELL AVE	LEWISTON	ID	83501	631 BURRELL AVE
CURRY JANET I		3432 7TH STREET D	LEWISTON	ID	83501	3432 7TH ST D
TURNER RAYMOND W &	TURNER SHERILL L	714 BURRELL AVE	LEWISTON	ID	83501	714 BURRELL AVE
LUKENS TIMOTHY J		1603 PROSPECT AVE	LEWISTON	ID	83501	3423 7TH ST
ANDERSON 2000 REVOC LIV TRUST	BOSTON 2000 REVOC LIV TRUST	704 BURRELL AVE	LEWISTON	ID	83501	704 BURRELL AVE



PLANNER'S STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 12/29/2023

Case File Number: CUP23-6

Applicant:

Steve Carlton
1103 Bryden Avenue
Lewiston, ID 83501

Property Owner:

Steve Carlton
1103 Bryden Avenue
Lewiston, ID 83501

Site Location:

3431 7th Street
Lewiston, ID 83501

Request/Proposal: The applicant requests Conditional Use Permit approval for multi-family dwelling, adding one (1) detached dwelling unit to a .462 acre parcel that currently contains two (2) dwelling units (duplex) at 3431 7th Street, in the Low Density Residential, R2A, zoning district. Multi-family dwellings meeting the standards of Lewiston City Code 37-124.1 are allowed as a conditional use in the Low Density Residential, R2A, Zone.

Subject Property and Surrounding Land Uses: Subject property contains a two family dwelling (duplex) and a detached accessory building on a .462 acre lot in the Low Density Residential, R2A, zoning district. Surrounding properties are a mix of single family dwellings and duplexes.

CUP23-000006

Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

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.

DIVISION 4. - LOW DENSITY RESIDENTIAL ZONE R-2A

- **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;

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- (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.

(Ord. No. 4108, § 2, 8-15-94)

- **Sec. 37-124.1. - Standards for multifamily development.**

Where multifamily dwellings are allowed as a use permitted outright or as a conditional use, the following standards shall apply:

(1) Parking must be paved and meet all requirements of article VII, off-street parking and loading.

(2) Where more than one (1) detached single-family dwelling exists on one (1) lot, the minimum required lot area shall be the minimum required by the zoning district multiplied by the number of detached single-family dwellings.

(Ord. No. 4499, § 3, 1-28-08; Ord. No. 4676, § 27, 11-28-16)

Sec. 37-149. - Parking requirements based on land use.

(1)

a.

One- or two-family dwellings: Two (2) spaces per dwelling unit or one (1) space per bedroom, up to a maximum of four (4), whichever is greater. Multifamily dwellings outside of the central business district: Two (2) spaces per dwelling unit. Multifamily dwellings within the central business district: One (1) space per dwelling unit.

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.

(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. SHARE

(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. SHARE

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 5, West Orchards and has a future land use designation of low density residential.

CHAPTER 1. A VISION FOR LEWISTON IN 2020

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

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

CHAPTER 6. LAND USE

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

GOAL (LU-14.0): Provide for an appropriate mix of housing types in each of the City's eight planning neighborhoods.

OBJECTIVES: LU-14.1: Review and revise zoning designations, as appropriate, to assure that adequate land (both developed and undeveloped) is available for both single family and multi-unit residential development.

LU-14.2: Within individual neighborhoods, discourage multi-family development within established single-family developments

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

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

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.

Neighborhood Number Five – West Orchards

Multi-family housing and commercial design standards should be provided to buffer new commercial activity and existing residential areas in conformance with the location standards included in this neighborhood plan.

Larger interior parcels of land should be identified for future infill residential development in a density consistent with that of surrounding homes.

In general, streets and drainage systems in this neighborhood do not meet current standards for local or collector streets.

a. Site access must be improved with streets upgraded to current city standards, appropriate to the classification of the street.

b. Area drainage throughout the area must be upgraded with curb, gutter and sidewalk installed and surface or underground storm water collection systems installed.

c. Curb, gutter and sidewalk must be provided at and approaching schools and parks to provide safe places for children and parents to walk. Curb, gutter and

sidewalk must also be provided along all streets with a classification of collector or arterial.

7th Street is considered a collector street and has a 50 foot right-of-way width with sidewalk installed on the east side of the street. The subject property is not on a bus route, but is approximately 250 feet from the intersection of 7th Street and Burrell Ave where there is a bus stop for the West Route bus route.

Input From Other Departments/Agencies:

From the Fire Department; "Access road signage and fire hydrant installation/relocation to be completed prior to building permit approval."

From the Public Works Department, Engineering Division; "Engineering has no objections to the CUP request."

Analysis:

Subject property contains a duplex (two family dwelling) and a detached accessory building. The duplex has attached, two car garages for each dwelling unit. The subject property is .462 acres or approximately 20,136 square feet in size. The Low Density Residential, R2A, Zone requires 10,000 square feet of lot space for a duplex and an additional 4,000 square feet for each additional unit over two. Since the proposed 3rd dwelling unit is detached from the existing duplex, Sec. 37-124.1 also applies, requiring that the lot meet the minimum square footage for a duplex (10,000 square feet) and an additional single family dwelling (7,500 square feet), which the subject property does. The applicant is proposing to add a 3rd dwelling unit of approximately 1,336 square feet of living space and a 555 square foot, single car garage. The existing duplex is approximately 1,816 square feet of living space (between the two units) with 882 square feet of garage space (441 for each garage). With existing duplex, existing detached accessory building and proposed 3rd dwelling unit with garage, the total lot coverage would be approximately 5,611 square feet or 27.8%. The maximum lot coverage allowed is 40%.

The maximum allowable density allowed by right in the Low Density Residential, R2A, Zone is 8.73 dwelling units per acre (a duplex on a 10,000 square foot lot). The application proposes a density of 6.49 dwelling units per acre.

The proposed dwelling will be attached to the existing detached accessory building to the east. This portion of the property is currently being used by the property owner for construction material storage. As shown on the applications site plan, the proposed dwelling unit will meet the rear yard (20 feet) setback and both side yard (5 feet and 10 feet) setbacks as required in the Low Density Residential, R2A, Zone. The proposed 3rd dwelling unit is a single story unit and will be well under the 35 foot height limit of the zone.

Parking code (Sec. 37-149) based on land use requires two (2) spaces per dwelling unit for single family or two-family dwellings. The applicant previously provided 2-car garages for the duplex. The same code section states that

multifamily dwellings outside of the central business district require two (2) spaces per dwelling unit. The proposed 3rd unit will have a single car garage as well as a concrete apron that meets the parking stall standards for an additional two vehicles.

The subject property is a long, skinny parcel which would not meet the standards to be subdivided into a standard lot and a flag lot.

Relevant Criteria and Standards:

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

Prepared By:

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