

**MINUTES FROM THE CITY
PLANNING AND ZONING PUBLIC HEARING & MEETING
OF THE CITY OF LEWISTON
August 3, 2021**

Lewiston Planning and Zoning Meeting held at the Lewiston Town Hall, 29 South Main, Lewiston, UT

Attendance: Chairman: Phil Foster
Commissioners: Rod Garner & Dan Bergeson, Eric Nielson & Abel Herrera
Council Member: John Morrison
Planning & Zoning Clerk: Christina Atkinson

Public Attendance: Keri Parr, Chris Parr, Nancy Pitcher, Lori Bowcutt, Jamie Glad, Mark Sowder, Jesse Vega, Thom Smith, Frank Herrera, Karalee Morrison, Cody Hyer, Gwyn Hammer, Rod Hammer, Rick Taylor & Kevin T. Blau
Attendance by Phone: Don & Lori Baldwin & Darren Michaelis

1. CALL TO ORDER

Chairman Foster called the Public Hearing to order at 7:00 pm.

Chairman Foster welcomed Abel Herrera as the newest member of the Planning & zoning Commission. Chairman Foster explained that Mr. Herrera will be filling the Planning & zoning position in place of Anna Sisson, who moved away earlier this year.

2. PUBLIC HEARING –

Chairman Foster stated that the public hearing is to hear public comment on the Baldwin Estates Subdivision.

Baldwin Estates Subdivision – Chairman Foster opened the meeting for public comment:

- Gwyn Hammer asked if there would for sure be 8 lots in that Subdivision.
 - Mr. Baldwin informed the public that there would be 8 lots. Mr. Baldwin stated that these lots had already been divided almost 20 years ago.
- Gwyn Hammer asked if the subdivision would have covenants to help prevent clutter and trash buildup in the yards, due to the lots being so small.
 - Mr. Baldwin informed the public that besides what is already stated in Lewiston's Code, there would be no covenants tied directly to the subdivision, requiring additional rules regarding clutter and trash.

Chairman Foster informed the public that the lots are in compliance with the city zoning code. Chairman Foster asked Darren Michaelis if he would shed some light on what kind of homes would be built in those lots. Mr. Michaelis stated that on two of the lots, the homes would be between 1,400-1,500 sq. ft., with 2 car garages. The remaining 6 lots would be donated to The Church of Jesus Christ of Latter Day Saints and would then be put up for sale through bidding. Mr. Michaelis stated that in larger Town's CCNR's can be written in to help outline nuisances regarding clutter and trash buildup in yards. Mr. Michaelis wondered if those nuisances aren't already written in the City Code, so then Covenants Codes and Restrictions (CCNRs) wouldn't need to be required.

- Rod Hammer asked what lots would be developed first.

○ Mr. Michaelis stated that he wasn't 100 percent sure but figured that he would start on the South end. Mrs. Baldwin stated that the South end would be the most logical end to start. Chairman Foster stated that a 5' sidewalk, running North/South would be put in, along with grassy swells to help with stormwater.

- Gwyn Hammer asked if there is anyway the Baldwin's will include CCNRs in the subdivision, so that those lots don't get junk buildup.
 - Mr. Michaelis stated that yes, CCNRs could be included in the subdivision, if there isn't already City Ordinances in place to regulate junk & trash buildup.
 - Mr. Baldwin stated that there's already codes through the city regarding junk & trash buildup.
 - Mr. Hyer informed the room that CCNRs can be put in place to help control what type & size of homes are allowed, clutter/trash buildup etc.

Chairman Foster asked Mr. Baldwin if he would be willing to include CCNRs in the development, to specify certain requirements regarding size and types of homes built, trash/clutter buildup etc.

- Mr. Baldwin stated that he will not force people to follow a separate set of rules. Mr. Baldwin stated that there are already ordinances in place through the city. That can be enforced by the city.
- Frank Herrera asked if the city allows this subdivision, then what's to stop others from subdividing, which in turn will cause more traffic, resulting in more air pollution. Mr. Herrera also stressed concern about there being more dogs, and cats running around the neighborhood with more homes being built.

Chairman Foster stated that the Baldwin Estates Subdivision follows all the city ordinances and is in compliance. As for subdivisions in the future, if subdivisions follow the city ordinances, then they can't be stopped.

○ Frank Herrera expressed his concern about lots being split and then built on in the A10 zone. Chairman Foster stated that in the A10 zone, 10 acres is required to be a buildable lot, that 1 acre from those 10 acres can be separated to build a house on but the remaining 9 acres would then be recorded as permanent agriculture.

- Gwyn Hammer expressed real concern regarding covenants being required with the Baldwin Estate Subdivision. Mrs. Hammer stated that in the past, she and her husband bought a home in a subdivision, the builder made them sign covenants and then before they could close on the home, they were required to sign a document stating that they were aware of the covenants. Mrs. Hammer stated that she knows that requiring covenants is possible. Mrs. Hammer stated that in the past, when they lived in a subdivision, the city wasn't involved in enforcing the covenants that it was the neighbors that kept them in line. Mrs. Hammer stated that with the lots being so small that it is most important that they don't become cluttered and become an eye soar to the neighborhood.

Chairman Foster asked Mr. Michaelis if he could include a document with each home that he builds that the owner could sign.

- Mr. Michaelis stated that he wouldn't include a covenant or CCNR in selling each home. Mr. Michaelis stated that covenants or CCNRs would need to be tied into the whole 8 lots, not each house.
- Gwyn Hammer asked if the Baldwins would be willing to include CCNRs with the subdivision.
 - Mrs. Baldwin stated that she does not think that it would be fair to require a different set of rules that only 8 property owners would have to follow, when the rest of the city is only required to follow less strict rules.
- Cody Hyer stated that in all cities and towns, CCNRs can and have been put in place for each individual subdivision. The question that he feels is being asked by those present is if the Baldwins will include CCNRs with their subdivision.

Chairman Foster read from the Lewiston City's Code:

4-2-5: NUISANCES ON PROPERTY:

A. Definition: For the purpose of this section, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly, which includes, but is not limited to, keeping or depositing on or scattering over the premises any of the following:

1. Lumber, junk, trash or debris.
2. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, containers or other discarded items not currently in use. (1980 Code § 10-331; amd. 2002 Code)

B. Duty Of Maintenance: No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in any manner causing substantial diminution in the value of the other property in the neighborhood in which such premises is located. (1980 Code § 10-332)

C. Storage Of Personal Property: Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junkyards) within the city, is hereby declared to be a nuisance and dangerous to the public safety. (1980 Code § 10-333)

D. Abatement By Owners: The owner, owners, tenants, lessees or occupants of any lot within the city on which such "storage", as defined in subsection C of this section, is made, and also the owner, owners or lessees of the above described personal property involved in such storage, shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured yards or buildings to be used for such purposes, or otherwise remove such property from the city. (1980 Code § 10-334)

Chairman Foster stated that the main concern that he is hearing is regarding trash/clutter buildup, and in response he is hearing that there are already ordinances that cover these concerns. Also, that if a neighbor notices that those ordinances aren't being followed then they can either inform the neighbor that they aren't in compliance with that ordinance or make a complaint to the city. Commissioner A. Herrera asked if the neighbor should be the one to inform the citizen who is in compliance with the ordinance. Commissioner Herrera stated that a citizen should make a complaint to the city, then the city would be the one who gets involved in getting the issue resolved.

- Mrs. Baldwin stated that when a lot is sold, they could make a point to inform the buyer of the city ordinances regarding trash buildup.
- Rick Taylor asked what types of homes would be built on the lots and if they would up the street value for the surrounding lots.
 - Mr. Michaelis stated that unless there are CCNRs then there is no telling what type/size of home will be built on the lots. Mr. Michaelis stated that if it meets what is required by the city, then that is the minimal that the home would need to be.
- Rick Taylor asked if any development could be done with the remaining part of the property that is located behind the 8 lots.

Chairman Foster stated that the remaining property because it is in the A10 zone and it doesn't have the required frontage, could not be built on.

- Mr. Michaelis asked if the city was responsible to enforce CCNRs or if that was the responsibility of the 8 lot owners, that are affected by the CCNRs.

Chairman Foster stated that he was unsure and would need to get clarification from the city Attorney on who would enforce a CCNR.

- Chairman Foster asked Mr. & Mrs. Baldwin if they would include CCNRs in the recording of Baldwin Estates Subdivision.
 - Mrs. Baldwin stated that they have had these 8 lots for 20 years and have been paying taxes on them for the last 20 years. Mr. Baldwin stated that he does not want to include CCNRs with the subdivision. Mr. Baldwin strongly feels that it would not be fair to require a higher set of standards to 8 lots, when the rest of the city is held at a lower set of standards. Mr. Baldwin informed the Commission and those present that, no, he would not be including CCNRs with the Baldwin Estate Subdivision.

Chairman Foster stated that as far as city requirements, all requirements have been met so the Baldwin Estates subdivision can move forward with the next step of the subdivision process. Chairman Foster asked if there was anymore public comment. There was no more public comment.

Chairman Foster asked for a motion to approve the Final Plat and for it move forward for reviewal with City Council. Commissioner D. Bergeson motioned for the Commission to approve the Baldwin Estates Subdivision, Final Plat. Commissioner R. Garner seconded the motion. All in favor “Aye”. Motion carried

3. ADJOURN

Chairman Foster stated that the Public Hearing is now closed. Meeting adjourned at 7:53 p.m.

PLANNING & ZONING MEETING

1. CALL TO ORDER

Chairman P. Foster began the meeting at 7:55 pm.

Chairman P. Foster addressed the minutes of the Lewiston City P&Z Meeting held July 6, 2021. Chairman Foster stated that on page one of the minutes, the 8’ water line needed to be changed to 8” water line. No other changes needed to be made. Commissioner D. Bergeson motioned for the Lewiston City P&Z Commission to approve the minutes of July 6, 2021, contingent on the correction of the 8’ water line to 8” water line. Chairman P. Foster seconded the motion. All in favor “Aye”. Motion carried.

2. NEW BUSINESS

Lori Bowcutt – Building Permit – 557 S 800 E - Greenhouse – Chairman P. Foster recognized Lori Bowcutt for a building permit. Mrs. Bowcutt informed the Commission that she would like to be approved for a building permit to build a high tunnel on her property at 557 S 800 E. Mrs. Bowcutt stated that the tunnel will be used as a greenhouse. Mrs. Bowcutt stated that the structure will be 26’x 48’ and will be 12’ in height and will have no plumbing or electrical in the building. Mrs. Bowcutt stated that the building is not a permanent structure. Mrs. Bowcutt stated that the structure will be a frame covered in plastic and that its purpose will be to extend the growing season. Chairman Foster informed Mrs. Bowcutt that the only issue is the 22’ front setback. Chairman Foster stated that the city zoning requires 30’ front setback. Mrs. Bowcutt stated that she will correct the site plan so that it will show the front setback as 30’. Mrs. Bowcutt asked the Commission if she needed a building permit for this project. Chairman Foster informed Mrs. Bowcutt that because the structure exceeded 200 sq. ft. that she did indeed need a building permit. There were no other concerns. Commissioner R. Garner motioned for the Commission to approve the building permit for a high tunnel contingent on the building having a front yard setback of 30’. Chairman P. Foster seconded the motion. All in favor “Aye”. Motion carried

Mark Sowder – Building Permit – Shed – 181 W 200 S – Chairman P. Foster recognized Mark Sowder for a building permit. Mr. Sowder informed the Commission that he would like to be approved for a building permit to build a shed on his property at 181 W 200 S behind his house. Mr. Sowder stated that the shed will be 40’x 30’ with a 10’ awning and will be on a concrete foundation. Chairman Foster informed Mr. Sowder that the side yard will need to be at least 10’ from the property line. Mr. Sowder stated that he would correct the site plan to show a 10’ side yard instead of a 6’ side yard. Mr. Sowder stated that he will build the shed himself and that it will not have electricity or plumbing in it. There were no other concerns. Commissioner D. Bergeson motioned for the Commission to approve the building permit. Commissioner R. Garner seconded the motion. All in favor “Aye”. Motion carried

Jesse Vega – Building Permit – 188 W 200 S – Chairman P. Foster recognized Jesse Vega for a building permit. Mr. Vega informed the Commission that he would like to be approved for a building permit to build a single-family home at 188 W 200 S. Mr. Vega stated that the home will be a single level home that will be built slab on grade. Mr. Vega stated that the lot is in a hole so he will elevate the home to be 12” above the road. All setbacks are met. There were no concerns. Commissioner R. Garner motioned for the Commission to approve the building permit. Commissioner D. Bergeson seconded the motion. All in favor “Aye”. Motion carried

Jeremy Write – Building Permit Inquiry - ~1200 N 2400 W – Mr. Write was absent. The Building Permit Inquiry was not addressed at this time.

Thom Smith – Sign Inquiry – Hwy 61 south of Lewiston Cemetery – Chairman P. Foster recognized Thom Smith for a sign inquiry. Mr. Smith informed the Commission that he is here tonight representing Presto. Mr. Smith stated that Presto would like to put up two signs in hopes of letting people know where they are located and what they provide. Mr. Smith proposed the two signs.

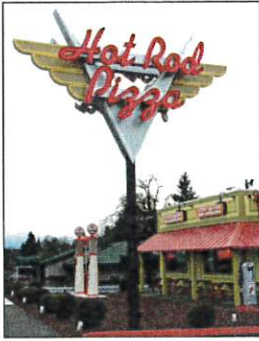
- Sign #1: Will be a permanent, 96”x 48” two-sided, free standing, pole sign, constructed out of metal, vinyl, and cement. It would be 96” high. Presto would like to place it on the south side of Hwy 61, just east of 1000 E, on ground that was donated by Presto to Lewiston City.

Commissioner R. Garner asked if the sign would have lighting. Mr. Smith stated that if they decided to light the sign then solar lighting would be the route that Presto would go. Commissioner Garner addressed concerns on the lighting becoming a distraction to those who drive on Hwy 61. Mr. Smith stated that the lighting would be just to illuminate only the sign. Chairman Foster reviewed Ordinance 10-14-4 Permitted Signs F & G.

F. Free Standing Pole: Allowed as permitted in Table [10-14-5](#) Permitted Signs. These signs shall conform to the following standards:

Table 10-14-4-F

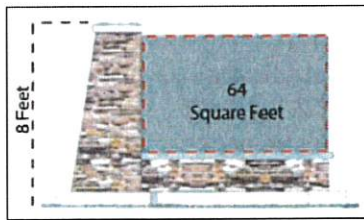
Free Standing/Pole Signs	
Maximum height	20 feet
Minimum height	8 feet
Maximum sign copy	72 square feet
Setbacks	15 feet from property lines
Illumination	Internal
Number of signs allowed	1 per parcel



G. Monument Signs: Allowed as permitted in Table [10-14-5](#) Permitted Signs. These signs shall conform to the following standards:

Table 10-14-4-G

Monument Signs	
Maximum height	8 feet
Maximum sign copy	64 square feet
Setbacks	5 feet from property lines
Illumination	Internal or external illumination of sign copy/face only
Number of signs allowed	1 per business/parcel (0 if a combined monument sign is in place)
Allowed zones	XX, YY, ZZ, ZZ-2



Chairman Foster stated regarding Sign #1, if it follows the requirements of 10-14-4 Permitted Signs F & G. Then there should be no problem issuing a permit for that sign.

Chairman Foster stated that P&Z would need the exact location of where the sign will go before the permit could be approved. Chairman Foster informed Mr. Smith that if any lighting were to be used that it would need to be placed to illuminate only the sign, that the lighting could not become a distraction from the road. Mr. Smith stated that if lighting would be an issue, then the sign would not be lit. Chairman Foster informed Mr. Smith that he will need to get ahold of the Public Works Director, Paul Swainston regarding the location of the sign. Mr. Smith was informed that he would need to get on the agenda for City Council and would need to attend the City Council Meeting on Thursday, August 19. There were no other concerns. Commissioner R. Garner motioned for the Commission to approve the sign permit so that it could go before City Council for final approval. Commissioner D. Bergeson seconded the motion. All in favor "Aye". Motion carried

- Sign #2: Will be a temporary, 102"x 60", two-sided sign, with a metal stand, constructed out of vinyl. It would be 96" high. Presto has permission from Carl Sims, who owns Millennium Machining and would like to place it just south of the machine shop on the east side of Hwy 89. Mr. Smith stated that to his knowledge, if the second sign is constructed where Presto would like, it isn't within City limits and that he would be

applying for a permit through UDOT. Mr. Smith stated that if Presto is unable to receive a permit through UDOT then they would come back to Lewiston for a permit to place the sign directly on the Millennium Machining Building, which is in the city boundary. Chairman Foster stated that if the sign was placed outside City limits then a permit would not be required by Lewiston City. There were no other concerns.

OTHER

Chairman Phil Foster –

Mini Subdivision – Bowles – Chairman Foster informed the Commission that it has been brought to his attention that there is going to be additional parcels created on parcel number 14-058-0006 which is owned by Nicholas Bowles. Chairman Foster stated that the parcel was recently split, and Daniel Tanner purchased the new parcel. Chairman Foster stated at that time it was only considered a lot-split, due to the plot only being split once. Chairman Foster stated that there is now proposal of the original parcel being split again. Chairman Foster stated that if the lot were to be split again, then it would no longer be considered a lot-split, but a mini subdivision and would then need to follow the mini subdivision ordinance. Chairman Foster asked if the city should get in contact with Mr. Bowles and inform him of the city requirements regarding a mini subdivision. P&Z Clerk C. Atkinson informed the Commission that when Julie Bergeson worked for Lewiston City, Mr. Bowles came into the office and was given the information regarding subdividing his property. Mrs. Atkinson wondered if Mr. Bowles just needs to be reminded of what Lewiston City requires regarding mini subdivisions. Councilmember J. Morrison asked if the subdivision process would be the same for the A10 zone as it is for the residential zones. It was determined that further counseling was needed from the city attorney Seth Tate. Chairman Foster asked Mrs. Atkinson if she would send Mr. Tate an email asking for more clarification regarding subdivisions in the A10 zone and in the Residential zones.

DYRT Development – Chairman Foster stated that Planning and zoning needs to make the final recommendations or changes that will go before the City Council, regarding the road right of way, power poles, curb and gutter and sidewalk regarding the North Country Estates Subdivision.

- Power lines – It was recommended that that power stays above ground.
- Curb N Gutter/Storm drain – It was recommended that the curb n gutter tie in with the existing storm drain, also the new storm drain will need to match up and tie in with the existing storm drain running along 200 S.
- Road Right of Way – 99' road right of way, to match the existing right of way.
- Sidewalk – It was recommended that the sidewalk be 5'.

P&Z Clerk C. Atkinson stated that she would give these recommendations to Councilmember J. Morrison to pass on to City Council.

Planning & Zoning Clerk – Christina Atkinson –

P&Z Commissioner Terms –

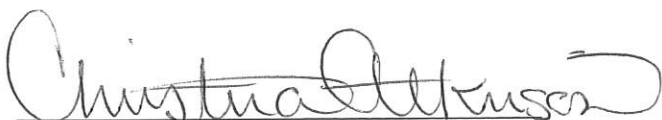
- Phil Foster – 5 years completed plus 1 additional year served
- Rod Garner – 4 years completed, finishing up the 5th year
- Abel Herrera – 3 years completed, finishing up the 4th year
- Dan Bergeson – 2 years completed, finishing up the 3rd year
- Eric Nielson – 1 year completed, finishing up the 2nd year

Mrs. Atkinson stated that at the end of this year, 2 commissioners will need to replace P. Foster and R. Garner. One will have a 4-year term and the other will have a 5-year term. Mrs. Atkinson stated that it is very important to keep the commissioner rotation to the 5-year terms. If a commissioner is replaced, the replacement commissioner only serves for what is remaining of the previous commissioner's term.

City Inspect Training – Mrs. Atkinson informed the Commission that soon, she will have Darrin Hancey & Susan Balls from Hyde Park come out and provide some training at a planning and zoning meeting regarding the City Inspect program. Mrs. Atkinson stated that she would like P&Z to have access to City Inspect for the purpose of reviewing building permits. Chairman Foster asked what City Inspect is. Mrs. Atkinson stated that City Inspect is a digital program that is used for the building permit process. It is allowing the builder to be more hands on and responsible for turning in the documents and plans required for their permit.

3. ADJOURN

There being no further business to come before the Planning and Zoning Commission, Commissioner R. Garner motioned that the Lewiston City P&Z meeting adjourn. Commissioner D. Bergeson seconded the motion. All members present voted "Aye". Motion carried
The meeting adjourned at 9:16 p.m.


Lewiston City Planning & Zoning Clerk

