

**MINUTES FROM THE CITY
PLANNING AND ZONING MEETING
OF THE CITY OF LEWISTON
January 4, 2022**

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

Attendance: Vice Chairman (acting Chairman): Rod Garner
Commissioners: Abel Herrera, Jarred Glover, Eric Nielsen
Council member: John Morrison
Planning & Zoning Administrator: Stephannie Davis
Absent: Dan Bergeson

Public Attendance: Kevin Davis, Howard Creger, D'Laina Creger, Rod Hammer, Mike Smith, Nancy Pitcher, Keri Parr, Mary Simpson

1. CALL TO ORDER

V. Chairman Garner called the meeting to order at 7:01 pm.

V. Chairman Garner addressed the minutes of the Lewiston City P&Z Public Hearing and Meeting held December 7, 2021. Commissioner Herrera motioned for the Lewiston City P&Z Commission to approve the minutes. Commissioner Nielsen seconded the motion. All in favor "Aye." Motion carried.

V. Chairman Garner excused Dan Bergeson.

2. NEW BUSINESS

Rod Hammer – Building Permit – Garage – Approval – 381 N. Main St. – V. Chairman Garner recognized Rod Hammer for a building permit. Mr. Hammer informed the commission that he would like to be approved to build a 600 square foot addition to the garage on the south side. Mr. Hammer described the addition as having a 12' garage door, no windows, and that the siding would match the existing structure. The cement pad has been in place for many years. The plans have been submitted into the City Inspect system. V. Chairman Garner and the Commission reviewed the setbacks and plan provided and noted that all seems to be in order. Commissioner Glover asked if Mr. Hammer would be building the structure himself and he said he is. V. Chairman Garner motioned for the Commission to approve the building permit application. Commissioner Glover seconded the motion. All in favor "Aye." Motion Carried.

DYRT Development – Business License – Land Development – Approval – 477 S. 800 E. – V. Chairman Garner recognized Mike Smith representing DYRT Development for a business license. Mr. Smith informed the Commission that they would like to be approved for a business license for land development that will be ran out of his home. He informed the Commission that he is one of the owners along with his brother (of Woodsmith Construction) and Hyer Real Estate. This entity will be separate and has been registered with the State of Utah. V. Chairman Garner and the Commission reviewed the provided application packet, and all seems to be in order. V. Chairman

Garner motioned for the Commission to approve the business license. Commissioner Nielsen seconded the motion. All in favor "Aye." Motion carried.

Howard Creger – Replace Nonconforming Structure – Discussion – 450 S. 2400 W. – V.

Chairman Garner recognized Howard Creger. Mr. Creger informed the Commission that they have a trailer that has been on the property since 1971. They would like to replace it with a home. The trailer has a roof built over it currently. Commissioner Herrera asked if all the structure would come down with the trailer. Mr. Creger remarked that there is a three-car garage and sheds attached to the structure. Mr. Creger asked what he would be able to do on the property if they built a home that was similar in size to the trailer currently. The lot is 77' x 150' (just over ¼ acre) and is zoned A-10. The parcel is separate from the larger area around it and the lot lines will stay as they are. Councilman Morrison remarked that if they change the lot, then it would have to conform to current zoning restrictions. Commissioner Nielsen remarked that he would have to conform to all setbacks if they tear down the structure. Councilman Morrison replied that it was grandfathered in and once they change the lot then must be a conforming lot including all setbacks. Discussion ensued whether the lot must conform to the A-10 requirements. It was decided that since the parcel has been in existence for many years then it would not have to. Mr. Creger would like to keep many of the current structures if possible. P&Z Administrator Davis remarked that there would also have to be setbacks for the accessory structures from the home and would have to have setbacks from the road right of way, not from the center of the road. Mr. Creger is looking for preliminary approval to move forward with plans. V. Chairman Garner reiterated the need to adhere to setbacks and requirements for plans, drainage, and run-off. It will continue to be a nonconforming lot. Discussion concluded.

2022 Chairman and Vice Chairman Nomination

- Consider nominations for 2022 Chairman (vacant, being backfilled with R. Garner)
- Consider nominations for 2022 Vice-Chairman (currently R. Garner)

V. Chairman Garner acknowledged that nominations need to be opened for the positions of Chairman and Vice Chairman. Commissioner Herrera noted that Commissioners Bergeson and Nielsen are the next senior members. Commissioner Herrera nominates Commissioner Bergeson for Chairman and Commissioner Nielson for Vice-Chairman. Given that Commissioner Bergeson was not in attendance, he would have to accept the nomination. Council member Morrison remarked that they could have the conversation with Commissioner Bergeson before the next meeting. V. Chairman Garner acknowledged the nominations as presented. All in favor "Aye."

OTHER BUSINESS

Phase 4 Business Park – Final Plat Plan – V. Chairman R. Garner and the Commission reviewed the provided final plat plan regarding Phase 3 of the Business Park (previously referred to as Phase 4), and all seems to be in order to move onto the City Council for approval. V. Chairman Garner motioned for the Commission to approve the final plat plan to move forward. Commissioner Herrera seconded the motion. All in favor "Aye." Motion carried.

Municipal Code – Discussion – V. Chairman R. Garner introduced the discussion into municipal code clarification. P&Z Administrator Davis referenced questions are being brought up in between the meetings that need to be addressed by the Commission as clarifications to the municipal code.

- **Storage Containers on Properties:** Semi type trailers. Are these types of structures allowed on properties as sheds? It is not spelled out in municipal code. Are they permissible, and are they considered as temporary or permanent? Commissioner Nielson asked if it is a question of size and Commissioner Glover asked it should be discussed as per intent (such as temporary storage while building a home or permanent)? P&Z Administrator Davis read a municipal code from another municipality including definitions of temporary versus permanent, size, and zoning requirements. Discussion ensued on how to enforce any restrictions placed on the containers and it was requested by the V. Chairman Garner and the Commission to discuss with the City Attorney for guidance and regarding precedents.
- **SFD Building Requirements:** What size square footage is required for SFD (i.e., tiny homes)? State statute references 1,000 square feet minimum for a home. Can trailers or manufactured homes be allowed? Trailers are not allowed, but manufactured homes are allowed if they adhere to building codes and are placed on foundations. Discussion ensued including lot size restrictions on home size. A member of the audience asked to speak. V. Chairman Garner acknowledged D'Laina Creger. She works for a mortgage company and remarked that a person is not allowed to get a home loan on a dwelling less than 1,000 square feet (such as a single-wide trailer). Again, it was requested to refer this question to the City Attorney.
- **Lot-Split Subdivision:** Two questions were brought up. The first question: Why is it called a subdivision if you are only dividing a lot into two. It is a state definition, part of our municipal code, and the city must sign-off on to record the parcel with the county. If it is not, then it is not a legal building lot. It is to ensure water, sewer, drainage, and other factors are considered. The second question that comes up has to do with the business park and the setbacks for the M-1 zone. The municipal code refers to a note stating to refer to the surrounding zoning. This could be confusing as some of the parcels abut to agriculture. In the past, the commercial setbacks have been used, but is that acceptable for a manufacturing zone? Do the setbacks need to be designated for manufacturing? Discussion ensued and it was recommended by V. Chairman Garner to work toward defining setbacks after getting a recommendation from the city attorney. To be clear, any recommendations will still need to go through the full process and City Council before being codified.

Informational Updates from Planning and Zoning Administrator Davis:

- City Inspect Training: At the February 1, 2022, meeting, representatives from Hyde Park City will come prior to the Planning & Zoning meeting at 6:00 pm to give all Commissioners City Inspect training. Commissioner Glover mentioned that he will not be at that meeting and it was noted that he will need to complete the training on his own.
- Paper Reducing Meetings in 2022: As much as possible, we will be using technology and only printing paper copies of required documents (including the agenda) moving forward.

New Business:

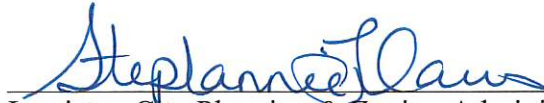
- V. Chairman Garner remarked that he would like to invite new Mayor Hall to give input and expectations for the Commission to ensure that the goals of the city are being addressed. P&Z Administrator Davis noted that requirements for training are being updated including OPMA training and any other recommended training.

No other business.

3. ADJOURN

There being no further business to come before the Planning and Zoning Commission, V. Chairman Garner motioned that the Lewiston City P&Z meeting adjourn. Commissioner Herrera seconded the motion. All members present voted "Aye." Motion carried.

The meeting adjourned at 8:08 p.m.


Lewiston City Planning & Zoning Administrator

