MINUTES FROM THE CITY
PLANNING AND ZONING MEETING
OF THE CITY OF LEWISTON
March 1, 2022

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

Attendance: Vice Chairman (acting Chairman): Eric Nielsen
Commissioners: Abel Herrera, Delon Mortimer, Jarred Glover
Council member: John Morrison
Treasurer: Mary Simpson
Absent: n/a

Public Attendance: Stephannie Davis, Kevin Davis, David Jensen, Christopher Field, Darrin Michaelis, Lauri Baldwin, Don Baldwin, Joe Cann, Reed Zaugg, Jeff W. Hall, Kristen Pitcher, Nancy Pitcher, Darwin Pitcher, Paul Sorenson, S. Kelly Daniels, Daniel Tanner

1. CALL TO ORDER

V. Chairman Nielsen called the meeting to order at 7:00 pm.

V. Chairman Nielsen addressed the minutes of the Lewiston City P&Z Public Hearing and Meeting held February 1, 2022. Treasurer Simpson remarked that there were no minutes available to review. V. Chairman Nielsen tabled the minutes until the next meeting. All in favor, none opposed. Motion tabled.

2. BUSINESS

Tailer Olsen – Business License Application/Approval – V. Chairman Nielsen recognized Tailer Olsen representing Mad Cow Nail Salon for a home-based business license. Mrs. Olsen informed the commission that she would like to be approved to open a nail salon. The Commission reviewed the supplied paperwork. Commissioner Herrera inquired about Mrs. Olsen's education and whether she had previously been employed in this profession. She replied that she had been employed previously. All paperwork is in order. V. Chairman Nielsen made a motion to approve the application for Mad Cow Nail Salon. Commissioner Glover seconded the motion. All in favor, none opposed. Motion carried.

Baldwin Estates – Update – Developer Subdivision Deposit has been paid – V. Chairman opened the discussion. Councilmember Morrison remarked that the Baldwin's have given a deposit for the sidewalk improvements at the Baldwin Estates Subdivision. Treasurer Simpson spoke to the Commission remarking that a deposit has been made. Commissioner Mortimer asked an update regarding the bond. Don Baldwin remarked that there is a bond in the amount of $40,000 and is the bid cost to cover the sidewalks and other site improvements. V. Chairman Nielsen remarked that the first building permit had been approved for the first property in the last meeting. Commissioner Mortimer relayed that a Certificate of Occupancy cannot be withheld if the improvements are not finished. Mr. Baldwin agreed and remarked that is what the bond is for so that the city does not have a risk. Commissioner Mortimer disagreed saying that the work being finished is still "put on Lewiston City" to get the job done for the $40,000. Lauri Baldwin remarked that they hope it does not come to that. Commissioner Mortimer asked the Baldwins what is wrong with getting it all done before getting building permits. Discussion ensued about where the practice of issuing building permits before the work is complete happens. Darrin Michaelis said that Nibley took a check for the amount of the contract and never cashes them as part of this practice. Commissioner Mortimer asked how long ago that was. Mr. Michaelis remarked about fifteen years ago. Commissioner Mortimer asked at what point the city draws the line and puts it onto the developer to complete site work. He also remarked that, if the work does not get completed by the developer, then Lewiston City must take the $40,000 and find a contractor to get the work done. Commissioner Herrera asked if the Baldwin's have done everything they had to up to this point and what contingencies were in place? Councilmember Morrison and Treasurer Simpson said that it is done. Commissioner Herrera asked what else needs to be completed. Mr. Baldwin remarked that they need to complete the grade on the swale and complete the grading on "everything." He remarked that they got "froze out" last fall. He also said that they are going to do the sidewalks and be done with it, which is over and beyond what the city had asked for. Continued discussion ensued regarding the plans for completing the improvements. Mr. Baldwin said that he has given Power of Attorney to another individual as he will be gone on a mission in a month-and-a-half. Commissioner Mortimer remarked that if he votes "OK" for this, he will never vote "OK" again on issues such as this because Lewiston City "doesn't need to deal with this" because all improvements need to be in before getting a building permit. Councilmember Morrison remarked that he can see both sides, but this sets a precedent for future development. We need to ensure that we are not creating more for the city to do but thinks that there is a good plan in place for taking care of this development. Mr. Baldwin inquired about the width of the sidewalk being 5 feet wide, which he remarked is wider than any other sidewalk in Lewiston. Mrs. Baldwin said that the sidewalk it must match up to is only 3-feet and wants to clarify how wide the sidewalk must be. Commissioner Morrison asked the Commission how wide it must be. The Commission did not know. Mr. Michaelis remarked in the original discussion that the sidewalk should be 4-feet and remarked that Paul was there (Public Works Director) and said he wanted it 5-feet. Mrs. Baldwin asked if it can't be found in the Ordinance, can they say 4-feet? Commissioner Mortimer asked Stephannie Davis (previous P&Z Administrator) to answer - she remarked what is on the approved drawings because it should be on the approved construction drawings? The answer is 5-feet. Mr. Baldwin offered that the Power of Attorney is Paul King. He also said that they are looking for a variance against precedent because they got frozen out in the Fall. V. Chairman Nielsen asked if there is anymore discussion and if anything needs to be approved. Mr. Baldwin asked for a definition of the sidewalk. Mayor Jeff Hall remarked that the Commission does not have the authority to grant a variance on the sidewalk, because on the final plat that both PZ and City Council approved, the sidewalk was 5-feet. Discussion ended.

<u>Platinum Construction, LLC – SFD – Discussion</u> – V. Chairman Nielsen recognized Darrin Michaelis representing Platinum Construction for a building permit. Mr. Michaelis informed the commission that he would like to be approved for a permit to build a SFD on lot 3 of Baldwin Estates. This permit is to build a slab on grade home. The plans have been submitted into the City Inspect system. V. Chairman Nielsen and the Commission reviewed the setbacks and plan provided and noted that all seems to be in order in terms of the structures. Mr. Michaelis provided that they took the plans for the subdivision and took the same grades on the plans and shot the same grades for the foundation so that they would be above the grade of the sidewalks, so they are not lower than the sidewalks. Commissioner Nielsen asked if they have the same issue as the other

lot with the grading of the sidewalk and such. Mr. Michaelis remarked in the affirmative. Commissioner Mortimer motioned for the Commission to approve the building permit application. Commissioner Herrera seconded the motion. All in favor, none opposed. Motion Carried.

Ritewood – Dave Jensen – Building Permit for Manure Shed Approval – V. Chairman Nielsen recognized Dave Jensen representing Ritewood Egg for a building permit. Mr. Jensen informed the commission that he would like to be approved for a permit to build an agricultural building (manure storage). This permit is to build a storage shed and another building later in the year. The manure shed building is 60' x 400'. Commissioner Glover asked about placement of the building. Mr. Jensen remarked that it would be to the West of the other buildings and behind the current shops. Commissioner Herrera asked if this was taking the place of another building. Mr. Jensen remarked it is not. V. Chairman Nielsen asked if the application had been submitted into City Inspect and it is. Commissioner Herrera made a motion to approve the building permit application. Commissioner Glover seconded the motion. All in favor, none opposed. Motion Carried.

Daniel Tanner – Temporary Dwelling 819 N 2400 W - Approval - V. Chairman Nielsen recognized Daniel Tanner for approval of a temporary dwelling. Mr. Tanner informed the commission that he has already received the approval to build a SFD and will begin building soon. He would like to be approved for a temporary dwelling at 819 N. 2400 W so that they can procure a camper to live in while they construct the home. V. Chairman Nielsen remarked that there was power and water to be supplied. Mr. Tanner will be living in the camper while they are building the house. They will have a 250-gallon black and grey water tank that will be pumped every other week, culinary water will be on a trailer, temporary power will be available in mid-April (will be on generator until then). The Tanner's will stay in the camper through November but will not winter in the camper. Mr. Tanner supplied the municipal code in Chapter 10 for temporary dwellings to the Commission. Councilmember Morrison added that approval is contingent upon written approval from adjacent property owners. Mr. Tanner provided the names of adjacent property owners as Nick Bowles, the Brackens, and the Tarbets. Commissioner Mortimer requested written approval from all adjacent property owner and Mr. Tanner agreed. Treasurer Simpson asked Mr. Tanner when they plan to start and to pay the fees. Mr. Tanner said the plan is to start in the next week and to take a single draw from the bank once construction starts. V. Chairman Nielsen stayed the motion until after the next agenda item to give Mr. Tanner time to gather additional information.

Reed Zaugg and Joe Cann – Lot-Line Adjustment Discussion – V. Chairman Nielsen recognized Reed Zaugg and Joe Cann for discussion of a lot-line adjustment. Mr. Zaugg handed out drawings and informed the Commission that they are in the process of consolidating properties at the dairy facility. They have 2 homes that are in the middle of the dairy. They had a surveyor flag out the two homes with proposed boundaries. The home on the East has the property line running through the home. Originally the property was part of the home, but at some point, the property was taken from the home to the dairy (Buttars property). They would like to propose a variance on that property to move the East property line away from the house. This creates a problem with the milking facility being very close (30' from the home). They need a driveway to be able to get between these structures to the barn area. They can not take the frontage to 180' because of the milking barn, they would like an approximate 8' boundary next to the house and 15' behind the home to accommodate the driveway to the barn. Commissioner Mortimer asked why they are doing this. Mr. Zaugg said they have to remove the homes from the dairy operation. They will remove the homes into separate parcels and combine the rest into the dairy parcel. Commissioner Mortimer asked what it takes to do a variance. Treasurer Simpson said they can provide that information. Councilmember Morrison clarified that you cannot create a nonconforming lot, but the nonconforming lot already exists. Mr. Zaugg also remarked that they need the property on the back to get into the commodity building. Commissioner Glover asked what would happen if they allowed the 8 feet from the home. Mr. Cann answered that there is 30 feet between the house and the barn currently, so that would leave 22 feet. Mr. Zaugg said they will never sell the homes, so Commissioner Mortimer asked why they are going through this process if they are never going to sell. Mr. Cann remarked that the bank needs the homes to be broken from the dairy operation, essentially splitting up the business. Mr. Zaugg inquired about the West property because if they had a 3/4-acre lot with the house, it would affect the property line into the buildings behind the home. He was under the assumption that they could make boundary changes since they own all the property. Councilmember Morrison said that they should make sure what is legally allowed. Mr. Zaugg asked if the Commission would give a variance so that there did not need to be the 180 feet in the back. Commissioner Mortimer asked Mrs. Davis about the process. Mrs. Davis said that there is a process to follow and recommended that they get all the information, go back, and review the process, then proceed. Councilmember Morrison said to get the information that Mr. Zaugg would like (sent to M. Simpson), then they could get the lawyer and engineer to review the variance. It would then have to be brought back to the P&Z Commission for approval. Mayor Hall approached and remarked that Section 10-5-4 of the Code refers to the Variance Officer (Administrative Appeals Officer), of which P & Z cannot be that. Mrs. Davis addressed the Commission and said that she would help them through the process. Discussion ended.

<u>Daniel Tanner – Continuation</u>: Mr. Tanner noted that the temporary dwelling is allowed in the agriculture zone. He did mention that the P&Z Commission does not change law, only the City Council can do this. He is not asking for a change; he is asking for approval where the law is not in place. Councilmember Morrison remarked that he agrees and that they can approve it as he understands the code if they get written approval from adjoining landowners. V. Chairman asked if he needs a permit, and Councilmember Morrison said that he only needs approval, but that there should be definition of temporary. Mr. Tanner agreed to e-mail the adjoining landowner approvals into Mrs. Simpson. Commissioner Mortimer made the motion to approve the temporary dwelling. V. Chairman clarified that the motion could be approved contingent on the adjacent landowners giving written consent. Commissioner Glover seconded the motion. All in favor, none opposed. Motion carried.

V. Chairman Nielsen recognized Jeff Hall for discussion of a lot-line adjustment. Mr. Hall informed the Commission that he did not make copies of the plans but provided Councilmember Morrison with a document to sign that he remarked was needed for the Title Company to move the lot-line. Mr. Hall then asked the Commission to have a property on 1030 South 800 West split. The parcel number is 09-033-0006 and will be in the northeast corner of that parcel. The property will be 400 feet wide by 297 feet deep being 2.8636 acres. Mr. Hall said that he can go back as far as 1970 and the property has never been split. He remarked that it meets all the "specs." Commissioner Mortimer and V. Chairman Nielsen said that if it meets all the specs, it should be fine. Commissioner Glover asked what property it is. Mr. Hall answered that it is Norm Bodily's. Councilmember Morrison inquired if the split was how it looked on the map (with the sheds and home). Mr. Hall replied in the affirmative. Mr. Hall asked Councilmember Morrison if he would make a paper to sign for the title company. Councilmember Morrison said it had to be voted on first. V. Chairman Nielsen made a motion to approve the lot-split. Commissioner Mortimer seconded the motion. All in favor, none opposed. Motion carried.

OTHER BUSINESS

Chairman

- Town Business
    - Business Park – Phase 3 – Discussion
        - Zoning for Current and Future Use – V. Chairman Nielsen recognized Councilman Morrison regarding the Business Park. Councilmember Morrison informed the Commission that the zoning was always supposed to be M-1/C. The city cannot find the paperwork for the first Phase. The other phases show the zoning as filed but is not shown on the map for the county. Councilmember Morrison asked the Commission to make a recommendation from Planning & Zoning to City Council to approve the zoning of M-1/C for the entire Business Park as light industrial and commercial. Commissioner Herrera made a motion to make the Business Park zoning M-1/C and to send the recommendation to City Council. V. Chairman Nielsen seconded the motion. All approved, none opposed. Motion carried.
        - Setback Designation – V. Chairman Nielsen asked Councilmember Morrison if there needed to be a designation for the setbacks. Councilmember Morrison said that by fixing the zoning the setbacks so that every adjoining lot would be a "C" zone. He said that Marcus from JUB has drawn the final plat with the setbacks matching the commercial zone setbacks. A question from the audience about adjoining parcel zoning (inaudible) was asked. Councilmember Morrison answered the question that when talking about adjacent lots and "note 6," the setbacks will revert back to commercial standards. This is because any adjacent agriculture lots are not part of the business park yet, so the setbacks would revert back to commercial. Discussion ended.

- P&Z Administrator - V. Chairman asked who the Administrator was. Treasurer Simpson remarked that we don't have one.

3. ADJOURN

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

The meeting adjourned at 8:12 p.m.

Stephanie Dain

Lewiston City Planning & Zoning Administrator

CITY OF LEWISTON CORPORATE SEAL UTAH