

Mendon Planning & Zoning Committee Meeting
September 15, 2017
Mendon City Library – 15 N Main

Administration Meeting began at 7:10 p.m.

Public Meeting began at 7:30 PM

In Attendance:

Chairman: Joni Endicott

Co-Chairman: Jeremy Martin

Commissioners: John Davidson, Kevin Wright, Phil Zobell,

Councilman: Bob Jepsen

Secretary: Jill Pack

Mayor: Ed Buist

Excused: Nancy Tolman, Todd Shelton

Public: Ethan & Shannon Poppleton, Brian Larsen, Devron Andersen, Sara lemon, Brenda Bohm, Rachel Kenning, Michael Kenning, Teri Miles, Duane Miles, Paul Davis, Eric Dursteler, Miles Jensen

Administration Meeting:

Joni is excused from the administrative meeting because she is meeting with the Mayor and the City Attorney. Jeremy conducted this portion.

Jeremy welcomed the new commissioner, Phil Zobell.

Ordinance Changes Review/Update – moved to later in the meeting.

Home Business Zoning Issues – Ron Campbell brought to the attention of the commission that Ryan Bradshaw may be in violation of the zoning ordinance dealing with home based businesses (See attached email). Kevin stated that it is a clear violation on the business. Phil stated that they should send a letter stating that they are in violation. Kevin stated that according to the state the trailer is a vehicle. There are many vehicles and equipment parked on the property. Phil stated that the planning & zoning could turn it over to the city council. Jeremy mentioned giving him 30 days to become compliant or then be subject to a fine. John stated that this ordinance needs to be clear and if the commission goes after one person that is not in compliance they need to enforce it for everyone. Kevin agreed. John asked what is the definition is of a vehicle. He suggested putting a letter in the water bill that reminds everyone what the ordinance is before you go after one individual or you would have to drive around and found all those that don't comply. Phil stated that if you fine one person that is in violation then that person will find 20 other people that are in violation. It is similar to the dog licenses. Kevin thinks that this will prolong the situation by putting a notice in the water bill because people won't pay attention to it. John suggested that someone should first go and talk to Ryan and let him know that there is an issue and then also send the letter out with the water bill. Wording needs to state that there can

only be one commercial vehicle, no equipment stored outside, and will be subject to a fine in not brought into compliance.

Public Policy – Kevin brought this to the agenda. He is very uncomfortable, he knows it expedites things, with the amount of meeting outside of the public view. He thought it was illegal. He did some research. It isn't illegal but highly discouraged. It was suggested that all the emails should be made public in the meetings. John stated that Jill could add all the emails that are used and included in the minutes of the meeting. But Kevin did think it needs to be in public view. Kevin stated that this is different than managing a business. This needs to be done in public. John stated that is the purpose of public hearings and nothing can be changed without a public meeting. His concern is that the City Engineer and Building Inspector discuss things via email with the commissioners. This needs to be the public eye. Kevin says they should come to the meeting and present their findings to the public. There can be lawsuits. Jill will include these emails with the minutes.

Public Meeting:

Joni welcomed everyone. The public meeting began at 7:30 p.m. The August minutes will be approved in October.

Business Licenses:

Fonnesbeck Greenhouse, C. Niemann Mowing, L.W. Howell Inc. (Larry's Family Farm, Learning & Laughing Preschool) were presented for renewal. Jeremy motioned to approve the business license renewals. Phil seconded the motion. The business license renewals were approved.

Accessory Building – Frandsen

Kyle Frandsen is building a small accessory building. He will not need a building permit because it is under the required size for a building permit. He decided not to attend the P&Z meeting.

Commercial Building Application – Top Job

Teri presented the site plan to the commissioners. Joni stated that the P&Z has spent the last few months trying to work through the city ordinances. Because of this situation they will need to handle this a little backwards. After consulting with the Mayor and the City Attorney, Joni stated that Top Job will need to sit down with Paul and Eric to go over the checklist. This P&Z meeting is not the setting for that. BRAGG was there to assist them in the approval process. Teri stated that city ordinance doesn't require that they follow the checklist. Joni stated there are issues that deal with state law within the checklist and those have to be addressed. After meeting with Paul and Eric Top Job will come back and meet with P&Z. There could be a special meeting so that the process could move along and not slow down the process another month for them. The P&Z want to make sure things be done right. It was asked if all the things on the list are state required. Joni stated that there may be some don't apply to them because of the current ordinance but the City is trying to put the checklist in place for future businesses. The noise ordinance was brought up as an example. How can the City regulate this? There needs to be

more specifics within the ordinance. Eric stated that a lot of things have been completed but the building hasn't been addressed yet. Kevin stated that the goal is to be compliant with the state requirements. A meeting will be scheduled between Top Job, the City Engineer, and the City Inspector after which Top Job will meet with P&Z to seek approval for their building. The commission agreed to schedule a special meeting so that Top Job may seek approval from the City Council in October.

Q&A – Sarah Lemon & DeVron Andersen – DeVron is a licensed land surveyor. He is representing himself and Sarah. There are two separate proposed subdivisions. Sarah has a 3 lot subdivision located at 200 S. 5400 West. DeVron has a 1 lot subdivision up Deep Canyon. Both of these subdivisions are located in the county but are adjacent to Mendon City. Cache County requires that if the property is adjacent to city property the city needs to have a letter stating that they have no intention of annexing this property. DeVron stated that the county has not been very clear on exactly what they are looking for. He believes that it needs to address if their properties would be annexed in the city. Neither of the property owners want to be annexed into the city at this time because of the moratorium and they don't meet the requirements of state code to be annexed. They would like a letter from the Mendon City to Cache County addressing these issues. Jill stated that she will work on a letter. Phil stated that he was on the City Council when the road to the Bishop's house up Deep Canyon needed to be paved. They didn't want to be in the City but they wanted the road paved. DeVron stated that these properties both have paving to their property and would not need any paving in the future. Bob stated that the moratorium may be lifted at the first of the year and asked if this changes the way forward. The first property would like to have the property sold before the end of the year. John stated the issue has been getting good water up there. There is a possibility that there might be no good water and they might not get any and then they would eventually want to have city water. At the moment they are trying to go through the process with the county. Kevin stated that this issue should be sent to city. Jeremy made a motion to send the request of letter to the City Council for approval. Kevin seconded the motion. The motion was approved and DeVron and Sarah were told to take this issue to City Council the following evening with Phil abstaining. Jill will put together a recommendation for the City Council.

Q&A – Emili Larsen

Bryan Larsen and his wife are looking for property for her parents to come to Mendon. They do not live in Mendon but there is some property on the south of town that they are looking at purchasing for them to build on. He was told that there are two issues with this. The first is the building moratorium and the second is that property has already been subdivided and there is a five year waiting period from the last subdivision. It has been less than 5 years. It would require them waiting for 2-3 more years until the waiting period is done. City water and secondary water is there. He was told to check with the county and look on the plat map on the timing of the subdivision to know for certain when the waiting period is over.

Solar Panels – Michael Kenning

Joni asked how big it would be. Michaels stated that it will be 32 panels. It is a ground mount system similar to the Hyatt's but with less panels. It will be 44' x 14' but on angle with a 10' ft height at the higher side. The commissioners so no issues. Kevin made a motion to approval the solar panels. John seconded the motion. The motion was approved.

Q&A – Multi-Family Ordinance – Ethan Poppleton

Ethan stated that his purpose in coming to P&Z is to open up discussion on multi-family housing. Al Pollack owns 6 acres by the school. Half of the property is in the city and the other half is in the county. It hasn't sold. Ethan has done some research and stated that there could be multi-family housing by the school. He feels that Mendon should jump on board with the state on this issue. He has presented some proposals dealing multi-family residences. Harvard did a study in 2006 which has provided positive data on this issue. He wants to just open the discussion. This property would have to be rezoned. He is looking at about 54 units. In Smithfield there is a similar size of property that has muti-family housing. There are 10 units per acre. He believes that while the City is working on updating the ordinances right now this would be the perfect time. Septic is an issue and would need to be addressed. Paul Murray has a six month waiting list for his apartments in Mendon. Ethan feels like this would be good thing for Mendon. This will allow people to live here that can't afford to right now. He is proposing townhomes with garages. Bob stated that the biggest challenge is culinary water serving this kind of development as well as secondary water. Ethan stated that a well could be dug. A septic system would have be done. Bob asked about a conceptual plan. He does have one. He will send information on to Jill that she will pass on to the commissioners. He is planning on presenting his proposal at next month's meeting.

Storm Drain Proposal – Jeremy Martin

Jeremy stated that drainage wasn't addressed when he built in his subdivision. There has been a survey done. Since 2004 there has been 12 years with water in his yard. A delta has been created in his yard. Neighbors have lost their basements. He has presented his idea to the City Engineer and it was suggested that it be presented to the P&Z. The City does have a culvert across the road. A required 21" pipe is supposed to be there but each home owner did not do that. His opinion is that planning & zoning should have taken care of this issue 20 years ago. The homeowners are willing to purchase pipe and install themselves. Jeremy has offered his time and money to do it. There is one neighbor that doesn't not want to do it. Jeremy believes that he could do it for \$500 if it is a 12" pipe. Eric stated that the survey shows a certain elevation but the outlet is 5/10th higher. There is an issue with the elevation of the survey. Eric stated that the discharge box seems off. There would be impact downstream. Kevin made a motion to send it to the City Council along with the City Engineer stating that this should have been addressed before the homes were built. John seconded the motion. The motion was approved.

Ordinance Update/Review:

It was stated that P&Z could have a workshop to work on the ordinances and that it can be open to the public. Jill was asked to make hard copies for all the commission which show the

proposed changes in the ordinance. P&Z will wait for the Top Job building approval to be squared away before moving forward. Eric suggested that the commission need to take the time to do it right. Joni stated that there are things that need to be changed above and beyond the conditional use permit issue. Eric will come and go through the checklist for light industrial with the commissioners at a later time.

Kevin made a motion to adjourn. Jeremy seconded the motion. The meeting was adjourned at 8:44 p.m.