

Mendon Planning & Zoning Committee Meeting  
January 10, 2018  
Mendon City Library – 15 N Main

Administration Meeting began at 7:00 PM

Public meeting began at 7:30 PM

In Attendance:

Chairman: Joni Endicott

Co-Chairman: Jeremy Martin

Commissioners: John Davidson, Kevin Wright, Phil Zobell, Todd Shelton

Council-member: Bob Jepsen

Secretary: Teena Young (filling in for Jill Pack)

Mayor: Ed Buist

Excused: Bob Jepsen

Public: Jess Roper, Hope Kendall, Dave Goepel, Karole Sorensen arrived at 7:20PM

**Administration Meeting:**

The Planning Commission discussed the topic of abandoned vehicles and city code. Bob Jepsen stated that he has had a few concerns about the appearance of abandoned vehicles on properties. Jon Davidson stated that in Logan there is a time limit for an unregistered vehicle to remain on the property. Bob stated that there may be some wording added to the ordinances so that it isn't as generic; perhaps a time-limit is appropriate. Bob asked if the city can enforce this if the car is on private property. Kevin stated that it can be enforced, if there is an ordinance in place. Bob stated that if a vehicle is abandoned after a certain amount of time, it should be removed. The problem would be enforcement. John questioned how farm equipment would be accounted for; it is hard to enforce and be consistent. There are many areas in Mendon that have abandoned vehicles and stored junk.

Bob stated that the turkeys are a problem too. He would like to talk to the State Representative about what can be done. DWR has three traps and the city is thinking about getting more traps. Our hands are tied on what we can do because they are a protected bird. We are still looking for a solution.

The commission discussed further abandoned vehicles. John stated that we have the code and we need to enforce it. John stated that if an abandoned vehicle is on the city property we could just remove it. If it is on personal property, then a notice must be given. John stated that the biggest problem is that this is reactive action instead of proactively enforcing the ordinance and informing citizens about the code.

Moderate Income Housing was discussed. The state is requiring an updated plan. Jill has worked with BRAG and a representative will be attending an upcoming meeting to work with the commission on the update. Bob stated that this may be based on the recent multifamily development proposal. Bob stated a concern about multifamily units is that we don't have a sewer system and the water table is such that it would be difficult to have many septic systems at that location. Kevin stated that he had heard that there is a new proposal. John stated that we have a regulation that dictates the minimum lot size per household, so unless the ordinance is changed there isn't a place for that type of development.

### **Public Meeting:**

Joni welcomed everyone and called the meeting to order at 7:30 PM. Phil Zobel led the Pledge of Allegiance with Kevin Wright saying the prayer. Phil proposed to accept the November minutes. Kevin seconded, and the minutes were approved unanimously.

### **Business Licenses:**

**Wee Farms** - Dave Geopell sells asparagus that he grows in River Heights. He sells to restaurants and markets and may sell some from his home at times, but this isn't often. There are no commercial vehicles. He had previously had a business license from River Heights. The product is grown and sold somewhere else, and he has only an office here. John stated that it is an agriculture use and may not require a business license. David stated that he files with the state quarterly but has never had to pay anything. Dave stated that he doesn't mind paying to obtain a license. Jeremy motioned to approve the business license. John seconded, and the motion was approved.

**Hope's Honeybee Preschool** - Hope is opening a new preschool, she will have 10-12 children in the class. Todd motioned to approve. Phil seconded, and all commissioners approved unanimously.

**Segolilly, LLC** - Jess Roper presented her application for an online store. Kevin motioned to recommend approval, Jeremy seconded, and it was approved unanimously.

Two other business applications were received but the applicants weren't present to the meeting. Kevin Wright stated that he thinks that applicants should be present for new applications. A notice will be added to the application informing them that the applicant is expected to be present at the planning meeting when requesting a business license.

Bob stated that the City Council will discuss the building moratorium tomorrow. The moratorium may be passed for a period of 6 months, then reassessed. We have preliminary numbers from the test well, but he expects it to be a year and a half before a well is online.

*Kevin motioned to close the public meeting with John seconding, and the meeting adjourned at 7:56PM.*

The Commission continued work on the revision of the zoning ordinances.

**Ordinance Update/Review:**

2.18 Home Occupation- Joni asked if there are any recommended changes.

John stated that 2.18.D.4 states that an accessory building larger than 2600 square feet can't be used for a Level II Home Occupations. This means he wouldn't be able to ever have a business in his 2800 square foot building on his 1.25-acre property. Kevin stated that the home occupation ordinance is very permissive here, and we don't need to make it more so. We are going to grow, and we want good growth. John stated that building approval must come to this body for approval and there are properties that are of much larger. Phil stated that there is always an option to go through the Board of Adjustments to change the use of the building. John stated that his building was approved as a wood shop and not as a home occupation. Joni stated that when it was built as a residential accessory building, it had to be under 25% of the rear yard. Bob stated that he could come to Board of Adjustments to seek a variance, but Kevin stated that it doesn't meet the five specific criteria.

John stated that he could have built a much larger building and still be under the 25% of the rear yard. Kevin stated that the intent of the home occupation ordinance is to keep residential neighborhoods from looking like industrial. If you want a large residential building that's fine, but it's not fine for a large industrial building. John wondered if it could be changed to read a portion of the building could be used for a business. Phil stated that a business may buy a property and just use half of a building for a business it wouldn't be using the whole building. Kevin stated that there are reasons for restrictions because it is a neighborhood not a business district; we need to be careful of what we allow. He wants to protect property owners, both present and future. Joni asked if our current code addresses hours of operation. These things may be address already. Joni questioned why the residential code allows for buildings to be built to that size. Kevin stated that it's probably because residential uses don't make as much noise. Joni stated that somebody could build a really large residential building, but why would you need it if it wasn't for a business use. John stated that a lot of people have barns, animals, or equipment storage. We still want that allowable. John stated that all you could run is a level I or Level II business and those are regulated pretty

good. Bob stated that he doesn't see a lot of noise/traffic from those types of businesses. Bob gave the example of a business owner parking his equipment on the city street, we had to go to him with the issues. Kevin stated that our ordinances address noise; he doesn't want non-conforming uses to spread. Bob stated that we do have things in place to protect us.

Kevin presented examples of zoning from another city. One requirement stated, "Prior to instituting any enforcement action for violation, the zoning administrator shall deliver written notice." We need to write a letter; the letter makes a written record. Joni stated that if you write a letter you need to write a letter to every person in violation. Kevin stated only when you get a complaint. Jeremy stated that you can only write a letter when you become aware. Joni would be worried that if you write one person a letter and someone else is in violation, there could be legal issues. Todd stated that you include in the letter that there has been a complaint. If we respond to one complaint we have to respond to all of them. Kevin stated that without a written letter there is no record.

Kevin asked about a process for revising the ordinances and coming to a conclusion. John stated that we go back in the minutes. It's hard as a committee to rewrite the code, we don't have time. The suggestions can be used to make changes. Kevin stated that we don't always come to a conclusion. Joni stated that there are specific things we have suggested changed. Joni suggested that on the Home Occupation to go through and make the additions of suggestions from Kevin's examples unless there are objections. Joni will incorporate the suggestions to 2.18.

John stated that business licenses may need to be addressed. If someone is licensed somewhere else and a portion of the business is here, would they need a business license? Do we address that they need to have a business license? We don't address this in our code. Another issue that John see is Logan requires a reporting of revenue when applying for a business license. That is something to look at. The tax is built in, but they are verifying that the business is paying the state taxes. We don't address that at all nor do we address that they need to have a state license as well. Kevin stated that when we approve the license we assume they are abiding by laws. Joni stated that with something like a daycare, we assume that people have the proper licenses. John stated that if someone gets hurt who are they coming back to. Kevin suggested that a line in the code that all home occupation must have proper permits and abide to state, county, local laws and regulations. John stated that we don't ask for EIN numbers or anything else, either. Joni will work on the wording.

Bob thanked the commission for all their work. He asked that if there is anything needed, please let him know. Next month the commission will work on Chapter 3 and 4.

Todd motioned to adjourn, and Kevin seconded. The commission adjourned at 8:41PM.