

Mendon Planning & Zoning Committee Meeting
May 9, 2018
Mendon City Library – 15 N Main

Administration Meeting began at 7:03 p.m.

Public meeting began at 7:34 PM

In Attendance:

Chairman: Joni Endicott

Co-Chairman: Jeremy Martin

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

Council-member: Bob Jepsen

Secretary: Jill Pack

Mayor: Ed Buist

Public Works: Kirk Taylor

Excused: Jeremy Martin, Nancy Toman, Ed Buist, Kirk Taylor

Public: Randy Kidman, Robert Hyatt, Heidi Hyatt, Andrew Ashby, Marci Ashby, McKelly Peart

Administration Meeting:

Roger Conrad came in to ask about the repair of a barn on his property before the meeting. There was discussion on how building permits work. Jon Davidson stated that when a building permit is obtained a person is paying for all building up front even if a basement isn't finished at the time. This happens because many times people don't obtain building permits when they finish a basement or a bathroom even though they should. This allows a city to collect that fee.

Shipping containers were discussed. John went around and took pictures of the shipping containers around town. There are 3 in Mendon City limits. The Pearts are actually making theirs look nice. The issue for Kevin was that they put it on their property before getting approval. John looked at the old run down house and they look way worse than the containers. He suggested that there needs to be a time limit of 6 months to a year for temporary storage. They need to have a time frame and a reason. The Pearts intend for it to be permanent but it should be able to move. John said it could still be fastened to a concrete pad. John has actually seen a small building move during a wind storm and it was about the size of a shipping container. Joni asked how the commission would like to address shipping containers in the ordinance pertaining to residential areas. Chapter 6 addresses the residential zone.

Phil spoke with Earl Doolittle and he brought up that a few years ago it was discussed that all parcels west of the canal need to be 5 acre lots. He doesn't know if it was ever

recorded. Jill and Teena have not found anything on this. This was to prevent high density. This led to the discussion on the Seamons property.

The only way the City can control it is by annexing the property because they are located in the County and they are currently in an agricultural zone which dictates the size of the lots. Jane Seamons has contacted Jill about moving forward with the annexation process. Jill was under the impression from the last meeting that the City didn't find it in their best interest to annex them because of the water pressure. Bob stated that water is the issue especially west of the canal. This has been a concern of the City. There are homes that have been built west of the canal that have been annexed in prior to the water pressure regulations by the State. The Seamons can begin the process of annexation which begins with a public hearing at a P&Z meeting. Phil stated that the issue of lot size west of the canal may want to be added to the ordinances to insure control over lots sizes. Kevin stated that a city never needs to have a reason to just say no to annexation. There does not need to be justified or compelled. The Seamons property is in the County and zone agricultural. Annexation and rezoning cannot be done at the same time. They are two different processes. Rezoning cannot be compelled either. John Davison said that there are already subdivision up there that are part of the county and they haven't come to the City to be annexed but their lots are all 5+ acre lots. That is the question. Why do they want to annex into Mendon. The well that they have does not have enough water to support a subdivision. John also stated that another issue is will the aquifer be affect by the drilling of wells up there. Kevin stated infrastructure is another issue. Cobblestone is an example of a subdivision outside the City limits. Joni asked where the 5 acre requirement belongs. Does it need to be part of the master plan? Phil thinks it needs to be written down. The County has a right of refusal. The County will lean to us to deny annexation first. Jill will look in producing a big map of the city for the commission to look at and perhaps show on the projector. A-1 is agricultural which requires 2 ½ acre lots for home in Mendon. Churches need to be 5 acre lots. So many hurdles to even make this possibility for the Seamons.

Joni moved the discussion to shipping containers. It needs a definition. Kevin suggested that it be Chapter 2.15 and then shift the numbers up in that chapter. John stated that he feels it falls under accessory buildings. Any 20 ft or 40 ft container should fall under accessory building regulations. Perhaps even require a conditional use for those that are temporary. It was asked if we want to outlaw them. John doesn't think so. Kevin thinks they should not be allowed. Many cities do outlaw them. There is a risk of them becoming common place. Kevin stated we need to get a handle on this. Shipping containers are being really pushed and they are cheap. John says some are being disguised as part of a building structure. He does drawings for them all over the country. Is this different? If you make it not look like a shipping container Joni doesn't have a problem with that. Kevin said they rust but John stated that if it is treated right it will stay nice just

like any structure. Phil asked what the difference is between a corrugated metal house and a shipping container. Kevin stated that we need to go forward. This item was tabled. Kevin stated that the ordinances said that says people need to come before P&Z before building. We have fines listed for violations. We need address this. John stated that is up to the building official who is the enforcer.

Public Meeting:

Joni welcomed everyone and called the meeting to order at 7:34 PM. Todd led the Pledge of Allegiance with John saying the prayer.

Business Licenses

ABC Preschool - Renewal

Gensunium – Randy Kidman (New)

Randy has developed a new process for production of Helium Isotope ^3He . He just received a patent. This is used in research purposes such as Radiation and bomb detection. The raw material is Isotope Hydrogen. The commission had some concerns about instability. Randy stated that it is flammable but is not considered as a hazardous material. It would be located in a little corner of a building in a commercial zone. The quantities would be the same size as welding containers. Randy stated it has less risk than welding. They would be shipping in small welding containers. The building that would be used was a hardware store at one time. He has registered his business. But the commission said that it needs to meet the state of Utah regulations for this type of material and he must contact the proper agency that deals with this. The state would verify it is ok. He was told he needs to talk to the state about regulation of his process. Bob stated that if an event would occur the fire chief needs to know what he is dealing with. John mentioned the need for containment. Randy stated they will only be dealing with 3 cubic feet containers. He was advised to contact Ray Olsen, the fire chief. Kevin made a motion to table this until the fire chief and building inspector have time to look at this and then the commission will look at it further. Todd seconded the motion. The motion passed.

Marci Ashby – Shabie’s Soda Shack

They are planning on putting a shack on a trailer on wheels (8’x16’). She spoke to Paul Taylor who has no issues with the trailer itself as long as it passes with the Health Department. It will stay on their location but allow them the opportunity to move it around. The property is zoned commercial but it is being used as residential. They would like some guidance on where to locate the trailer on their property behind the ditch in front of the fence. It would partially be located on the City property. Because it is on wheels the commission does not see an issue with it. It would not compete with the

City's burger stand. The Commission doesn't need to approve the trailer. The business license was approved last month so they are good to go.

Minutes

Joni asked for a motion on the approval the minutes. Kevin made a correction under admin "issue is addressed in the code". Phil made a motion to accept the April minutes with the correction. Todd seconded the motion and the minutes were approved unanimously.

Winter Parking

Kevin stated that this is not a zoning issue. It is a city code issue. The Commission is sending it back to council.

Mother-in-law Apartments

Bob asked if there anything in the ordinances that states if there is a time limit and family related occupancy requirement. John stated that the ordinances states that if it isn't a relative and you are using it for income then a conditional use is required. It was mentioned that they may be many out there that the City is unaware of. Jill stated that conditional use permits are reviewed every two years. If anything changes with the permit then it needs to be readdressed. Kevin wondered how this is defined. The home owner has to live on the property. When a property is sold, the new owner would need a conditional use permit to rent out the apartment to a non-family member.

Lot Sizes

Already addressed previously in the meeting. Annexation boundaries are available and the commission requested a map of annexation areas. Valley View, River Bottoms, Maple Rise, Forest Service is the general area of future annexations.

Accessory Building Application – Peart

The Peart's already placed a shipping container. It is required to get approval for placing the shipping container without approval. Kevin stated that there is a fine. John stated that we have others in town. Kevin stated that those need to be addressed as well. Joni stated that we don't have anything on the code for shipping containers at this point. John likes the proposal of having a wood front, he suggests having anchors on the corners. He stated that it isn't going anywhere. John stated that it is a real concern. Bob asked whether we use the accessory building setback requirements. This is a corner lot, so it is different. It is 5' from the side and 35' from the back. Bob asked about placement behind the home. Bob stated that there are some violations in town and this is a concern we need to be consistent. Kevin's biggest concern is that it was there before approval. McKelly Peart stated that it was moved to their property out of necessity. Bob stated that there is one container 1ft away from another structure which is a fire danger. This isn't in

the code yet, he considers it an accessory building. John stated that it can be considered a temporary structure, could be allowed during a construction process. Also how to maintain it long term. Bob proposes to get something in place in the immediate future to set the standard. Bob stated that these need to be anchored, even accessory buildings are anchored. John added if there are lights, they fall under the building permitting. If that is the plan, then it should go through the building permitting process. Kevin stated that if you want to put electricity in it he needs to bring those plans, to get approval for that. P&Z stated that they will tell Paul to treat it as an accessory building.

Bob was excused at 8:20PM.

John motioned to approve with the exception, he comes back with the setbacks, it becomes a permanent structure meaning it is anchored on the corners, and if he wants to put electricity in it he come back for approval. Phil seconded. All in favor. He will need to take his plans to Paul Taylor. Jill will get a building permit approval to take to Paul.

Hyatt asked about the responsibility of adding on the house. If it's my responsibility to find the line from the surveyor, isn't there potential for different lines. Why isn't it the planning commission to provide that one line along the street? John stated that there shouldn't be two if the surveyor is doing it right. It is the person's responsibility to get that surveyed. Phil stated that if you measure from the middle of the road. All sections will have a corner post. John asked about a structure two houses down. What are your thoughts as concerned citizens? Should we have a time limit on it? Heidi stated that it is fast storage and cheap. Heidi asked if we wanted to build a container home, she'd like to know if they could do that. John stated that the building code has those requirements.

Phil motioned to close the public meeting with Kevin seconding the motion. The meeting adjourned at 8:28 PM.

Administration Meeting – Chapter 6 Zoning Ordinances.

Kevin stated that the purpose is to protect residential neighborhoods. Also, that it doesn't say that an industrial equipment yard is not a conditional use of a residential property. Phil asked about the conditional use, BRAGG mentioned the lawyers are siding with them when he they visited a few months ago. Joni stated that we want to rewrite it, she thinks that's unfair to the planning commission and the applicant. There are concerns about these uses. Phil asked about getting Bear River back for discussion on the conditional uses for future discussions. John stated that density and layout doesn't add up. The statement with straight "north-south/east-west streets". Storage container provisions can be under accessory structures. John discussed the provision prohibiting an accessory building on a property without a dwelling. John stated that someone could put a barn on a property, keeping it more rural. Joni stated that it would have to provide for a future home, not out front of the property. Todd agreed

that providing for a future house. Phil stated that would be opening up for inner block development. John stated that it wouldn't happen with our minimum size lots. Kevin stated that the 30' setback would apply and if someone wanted to build a home there at some point, they would need to tear down the accessory building. P&Z proposes to remove 6.5.L.1. The provision that the accessory building needs to be behind the dwelling unit still applies for when the dwelling is built, or a variance obtained.

Joni stated that the corner lots were being unfairly limited, suggesting 5' on rear yard and take out the corner lot provisions. John agrees with the 3' side and 5' rear, being more consistent.

Kevin brought a provision for shipping containers. He stated that he would prohibit them in residential zones. Some other communities have banned them. His concern is about the regulation to how to make it look nice. John stated that we use the provision that it look like the surrounding structures. As soon as it is a permanent structure it is a tax base for the city. If it is a temporary structure, no tax. Kevin stated if we allow them we will regret it. Phil stated that there will be more and more, they aren't as bad as some other abandoned code. Joni stated that we can go by this and get public sentiment. John added that we need to add semi-trailers. Joni stated that shipping containers needs to be defined in definitions. John is supportive of temporary allowances. John suggested 6.5.L.7. Temporary any use over 30 days requires a conditional use. If it is permanent it requires a building permit. We'd add the same under light-industrial, commercial. Or 2.17. Joni will figure out where it belongs since the commission is supportive of the additions. Kevin motioned to adjourn. Phil seconded and the meeting adjourned at 9:07PM.