

Mendon Planning and Zoning Committee Meeting
October 14th, 2015
Mendon Station – 95 N Main
Administrative Meeting began after the Public Meeting
Public Meeting began at 7:30 p.m.
(The audio recording of this meeting was corrupted)

In Attendance: John Davidson, Deanne Hughes, David & Camille Johnson, Matt & Kaymie Davidson, Jordan Floyd

Chairman:

Co-Chairman: Mike Morgan

Commissioners: Joni Endicott, Dave Willie, Jeremy Martin

Excused: Jay Apedaile, John McKell, Valarie Theurer

Secretary: Jill Pack

Mayor: Ed Buist

Public Works: Kirk Taylor

City Council: Bob Jepsen

Administrative Meeting:

Business Licenses*

New P&Z Commissioner*

Allowed Building Permits OCT 2015 – OCT 2016*

Short Term Leases of Residential Properties*

Update Ordinances – FEMA Flood Damage Prevention Ordinance & State Fire Code

The P&Z Commissioners have been encouraged by City Council to be sure to look to these ordinances when making development decisions.

*Discussed after Public meeting because there wasn't a quorum before

Public Business:

Mike Morgan called the meeting to order at 7:30 p.m. Jeremy Martin led the Pledge and Dave Willie offered the prayer.

Dave Willie made a motion to approve the amended minutes for November 2014 and January 2015 meetings. Joni Endicott seconded it. The minutes were approved. No one had a chance to read the September minutes. The September minutes will be put on November's agenda for approval.

Accessory Building Application – Aaron Bunker

The commissioners found no concerns. Joni Endicott made a motion to approve the accessory building. Jeremy Martin seconded it. The motion passed. The building was approved.

Q&A – Jenn Felton – Annexation

Jenn Felton lives in Petersboro on the edge of Mendon. They are looking to be annexed into Mendon and then being rezoned to residential. She has come to P&Z to inquire as to whether this is something they should pursue. They have water rights and look to use a well. It was stated that once a property is annexed into the city it cannot have a well unless city water is not accessible. It was determined that the city water line ends before their property and would probably not be extended. The Felton property is part of a subdivision. They do own one third of the value and more than 50 percent of the land mass which meets a requirement of annexation. It would be considered a minor subdivision because they would like to make three lots from one lot. This would require all infrastructure to be in place before building. Half of the road to the

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north would need to be annexed as well. It would need to meet Mendon City road requirements. There would need to be 12.5 feet minimum width of pavement from the center of the road. It is currently zoned agricultural. It was stated that they may not want to rezone because in Mendon City agricultural lots can be 2.5 acres. No issue because they are providing their own water. However, fire protection would need to be addressed. State code must be followed with fire hydrants being every 500 ft. When they build it would have to run through city council because of the moratorium. Jill Pack will give Teena Young's contact information to Jenn Felton in order to be put on November's City Council Agenda.

SFH-15-02 – Deanne Hughes

Deanne has shares with Rocky Point but the ditches are covered in and have been for some time so it isn't deliverable. She is looking to purchase canal shares. Jeff Powell has some he is willing to sell. Archibald's are planning to build next to her property and are looking at putting in a delivery system and may share the cost. She is planning to build a one story home. Mike Morgan called for a motion to approve on condition that she can prove acquisition of deliverable water shares. Four shares are needed for her acreage. Jeremy made a motion to approve upon the condition stated above. Dave seconded the motion. The motion passed. The single family home was approved on condition they she obtain deliverable water shares.

SFH-15-03 – Matt Davidson Single Family Home

Matt Davidson presented his site plan and plat map to the commissioners. The commissioners saw no issues. Jeremy Martin made a motion to approve. Dave Willie seconded the motion. The motion passed. The single family home was approved.

Building Restrictions

Mike Morgan read the building restrictions passed by City Council effective October 8, 2015. See attached. Mayor Ed Buist wanted to clarify a few things. He stated that there are currently four properties that have active meters that are paid every month. Paul Cressall had previously provided Jill Pack with three people – Neiderhausers in Pheasant Hollow, Alton Bird, and Dennis Jensen. A fourth was brought to the attention of the commission. Paul Murray also has an active meter that he pays on every month. These four lots are not subject to the building restriction because their meters are active. Paul Cressall also stated previously to Jill Pack that there are 6 lots that are not active. These would fall under the building restrictions set forth by City Council. Paul Murray asked if it would be better to assign/connect the water meter to a parcel # instead of names. It was determined that would be better. The connection stays with parcel # and not the name should the property be sold. These meters must stay active to be exempt from the building restrictions. Mayor Buist would like to meet at the end of the public meeting to continue their discussion.

SFH-15-04 – Jeff & Mandy Powell

Jeff and Mandy Powell and looking to get P&Z approval for a building permit. Jeff Powell presented his plat map and site plan to the commissioners. Dave Willie asked Jeff Powell to explain the Hammer head turnout in their subdivision which he did. It was stated that it is a little

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difficult for garbage trucks and plows to turnout but doable. All infrastructure has been all put in place and they have been approved to move forward. Jeremy Martin made a motion to approve. Joni Endicott seconded it. The motion passed. The single family home was approved.

SFH-15-05 – Steve & Lana Archibald

The Archibalds had approval to build in 2013 but have been waiting for their house to sell. That approval has expired and they would like to be approved again. The plan is the same except there will not be a second floor. The foot print is the same. They have secondary water shares from the canal company and are planning on putting in a system to deliver the water. They were concerned that they needed to purchase their building permit by January 1st. Mayor Ed Buist clarified that it didn't need to be purchased by January 1st. The City Council is more concerned with progress being made by July 1st. The City Council has stated that the home needs to be "dried in" by July 1st. However, this will be determined by a case by case basis. The City Council's concern is that progress is being made. The Archibald's are still waiting for their house to sell. They will move forward as soon as it does. However, if it doesn't and they can't make progress they will forfeit their approval and no building permit will be issued. Jeremy Martin made a motion to approve. Dave seconded the motion. The motion passed. The single family home was approved.

Accessory Building Application – Pitcher

The Pitchers were unable to attend but Jill Pack presented their application and supporting documentation to the commissioners. They saw no issues. Joni Endicott made a motion to approve. Dave Willie seconded the motion. The motion passed. The accessory building was approved.

Administrative Meeting (moved to after the public meeting)

***Short Term Leases of Residential Properties**

John Davidson came to P&Z to address the request of proof of short term rental use because of a complaint that the property is being rented for fewer than 30 days at a time. Mike Morgan stated that in P&Z discussions in November he understood that the property would be rented for no fewer than 30 days at a time. Mendon doesn't regulate standard rentals that are rented 30 days or more. John Davidson stated that he has gone to the state and acquired a state license to pay the transient tax required by law. That tax money comes back to Mendon. He stated that he wants to do things the legal way but Mendon does not have any ordinances in place to address this issue. John Davidson stated that it is a short term rental by the states definitions. Mendon City's definition of a Lodging House is the closest definition. Mike Morgan stated that he feels like it is closer to a hotel/motel. However, hotel/motel isn't listed in any of the zoning preferences. The Davidson's actually own two more properties that are within a commercial zone. They are looking at doing the same thing with those properties. Mike Morgan stated that he is of the opinion that it doesn't make sense to have short term vacation rentals in a single family residential zone because it doesn't build up the community. It would make more sense to be located in a commercial or multi-family zones. There was some discussion of the positives of this rental. It is a beautiful home and property. It attracts a better type of renter. Sometimes

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long-term renters actually cause more damage and problems. John Davidson stated that many of those that stay at the home are people visiting family in Mendon. He and his wife actually have many family members that come and stay at the home. The Davidsons actually spend a lot of time at the home personally. Their hope is to retire there someday. John Davidson stated that there are currently 68 rental properties within Mendon City and he feels like he is being singled out. Mike Morgan stated that Mendon City doesn't have the staff and resources to address everything. This was being addressed because there was a complaint by the Myers with the concern with the number of renters per 30 day period. Jeremy Martin asked if the City needs to clarify their ordinances and/or have requirements for landlords. It was decided that Jeremy Martin is going to work through a proposed ordinance change to address this issue of short term rentals of residential properties. This would be written up and P&Z would make a recommendation to City Council. If for some reason the ordinance does not allow this in the single family zone there are a couple of options. One is to request a variance until they retire and move into the home. However, Mike Morgan wasn't sure that a hardship could be proven to warrant a Board of Adjustments. The second option would be to apply for a Conditional Use Permit. This would require public hearings. Jeremy Martin will work on this and get feedback from the other commissioners.

***New Commissioner:**

Names were approved at the City Council meeting last month. They have been passed on to Mike Morgan and Jay Apedaile. They have not made contact with anyone yet.

***Building Restrictions:**

Mayor Ed Buist addressed the commissioners about the building restrictions approved by City Council last week. He explained to the commissions that he had asked Councilman John Hardman to provide numbers to determine where we are with water in a worst case scenario. This would be pumping gallons per minute from the spring and each of the two wells would be pumping 100 gallons per minute to mix to lower the nitrates. With these numbers the City has 25 too many water hook ups. Water restrictions would be put in place and fines would be issued. This year, which was a low year, the spring pumped 250 gallons per minute and each of the two wells pumped 100 gallons per minute. Based on these numbers the City could afford 5-10 new hook ups. So the 8 applicants for single family homes on the waiting list were approved to move forward for P&Z approval. This does not include those properties that already have an active meter. Two million gallons were saved last year from the church getting off the system. The City Engineer is getting grants to go and look for water using an electrode process. There are three locations that the City is looking at. One is just outside of town to the south and the second is west of the elementary and one by the cemetery. It was asked if we were still looking at Wellsville. The Mayor stated he is less inclined to look to Wellsville. There was quite a bit of resistance because of the potential growth they see in there city in the future.

Joni Endicott made a motion to adjourn. Dave Willie seconded the motion. The meeting was adjourned at 8:58 p.m.