

**West Point City
Planning Commission
3200 West 300 North
June 25, 2015**

Present: Brad Lee, Brian Vincent, John Detamore, Curtis Seeds, Korey Kap, Boyd Davis – City Engineer, Troy Moyes – City Planner, Michelle Bailey – Planning Commission Secretary

Excused: Jeremy Strong, Jeff Macfarlane

Visitors: Tim Yarbrough, Kyle Hamblin

WORK SESSION

1. Conditional Use Permit for a private dog kennel, located at 2825 West 300 North, Tim Yarbrough, applicant.

Brad Lee stated this was discussed at the last meeting. Mr. Yarbrough had not been notified of the meeting so he wasn't there. It was tabled so the commission could ask Mr. Yarbrough some questions. Curtis Seeds said Mr. Yarbrough has a house dog and an old lab. Mr. Yarbrough is a professional duck hunting guide so he wants to get another lab pup so he can replace the older dog when he passes away. He has no intention of boarding numerous dogs. Brad Lee said the commission discussed it last week and would like to know where Tim will put the kennel on his property.

2. Discussion regarding Wise Country Meadows, Phase 3, final approval, located at approximately 550 North 3000 West, Castle Creek Homes, applicant.

Troy Moyes stated some items that need to be addressed by the developer. There are some drawing issues that need to be clarified on the plat. They need to indicate the buildable areas. They need written approval from North Davis Fire District, Davis/Weber Canal. The need to transfer water shares to the City. They need to indicate fencing along the north boundary line. And they need to submit the Title Report. Code requires 50% of all the lots in the previous phase be sold before they begin the next phase. They still have four lots to sell in Phase 2. They may start installing the infrastructure now but they may not begin selling lots until 50% of the lots in Phase 2 are sold.

Brad Lee asked if the developer had indicated what type of fence they would be installing along the west boundary line. Troy Moyes responded that he wasn't sure of their intention. Chain link and vinyl fences had both been discussed. They will ask the developer what plans they have to fence that boundary line.

3. Discussion regarding bee keeping as requested by City Council

Brian Vincent explained that a new item has been added to the end of the City Council Work Session meetings. They will review and discuss citizen comments made in previous council meetings. One previous comment was in regards to beekeeping. The Council talked about it and then suggested that the Planning Commission discuss it and

put together an ordinance that could be discussed. Mayor Craythorne is very knowledgeable on the topic and he mentioned in their meeting that 90% of beehives in West Point will die due to elevation and also pesticides used in the area.

Troy presented a breakdown of what other cities in the area are doing as far as regulating beekeeping. The maximum number of hives is always a common question. The number of hives allowed are usually based off from lot size. One of the biggest problems is that the bees get diseased when not taken care of properly. There must be a continuous water source next to the hive between the months of March and October. You must also have six foot high flyways.

In crafting the ordinance, there are some questions to address. Do you want to limit them to certain zones or lot sizes? Do you want them allowed in all zones? If maintained properly, bees won't swarm. If approved, where do you want the Code located? Staff suggests it falls under the farm animal ordinance. The State requires that everyone fill out an application, register each hive, and be proactive in finding other hives in the State.

Troy Moyes discussed the proposed ordinance. He suggested a no-fee application so Staff knows where the hives are located. He went over the defined requirements.

- A. There is no defined maximum number of hives for properties in the A-5 and A-10 zones.
- B. For properties with detached residential dwellings and vacant properties, three (3) hives may be kept on properties less than one quarter acre in size. Three (3) additional hives may be kept for each additional quarter acre of property.

Brian Vincent asked how many bees are typically in a hive. Troy Moyes responded that they are rated by colonies. There are three types of bees in a colony: the queen, the drones and the workers. The drone bees and the queen bee never leave the hive. The worker bees leave the hive to pollinate and then return. They can range from 10,000 – 20,000 bees in one colony. If the hive is property maintained and cleaned out often, and there is a steady water supply, you won't have the swarming of the bees. Bees are non-aggressive unless you have the killer bees. The State will not allow residents to have killer bees.

- C. One (1) hive may be kept on properties with attached units.

Salt Lake City has a fairly loose ordinance for beekeeping. In certain circumstances, bees are even allowed on balconies of apartments. It comes down to the fact that people are trying to be self-sustaining. We could limit it to one hive on a quarter acre and then go from there; maybe three hives is more of a five acre issue.

- D. Hives shall not be located in any front or side yards.
- E. In each instance in which any hive is situated within twenty five (25) feet of a public or private property line as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in

height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.

Curtis Seeds had questions about the flyaway barrier. Troy drew a diagram explaining the flyaway barrier requirements. Curtis said he feels we could be opening ourselves up a big can of worms with this requirement by requiring someone to put up a fence or encouraging them to let their vegetation grow to define a flyaway barrier around a bee box. Troy asked Curtis if he feels that Item E should be struck from the ordinance. Troy explained that flyaways are probably the most important thing to have when keeping beehives. You must maintain that or the bees will fly low. Brian Vincent said, "So if I put my hive at 10 feet from my property line but I have a 6 foot fence on my property line, that counts as the flyaway barrier." Troy said that is correct. The commissioners discussed that and they all agreed that a change in the verbiage would help for clarification.

- F. Hives or any component thereof shall not exceed six (6) feet in height.
- G. Hives must be maintained regularly to prevent swarming. The hive owners are expected to follow beekeeping best management practices such as disease control, hive management, and working the hive at appropriate times. Bees and associated beehives may be ordered removed from property if they are determined to be a nuisance by West Point City or a Davis County Animal Control officer.

Korey Kap asked how the owner does disease control. Troy explained that the disease comes from the hive itself. The owner must get all of the bees off and then cover the whole hive with a tight mesh and clean it out. They must make sure there are no bees left to spread the disease. Brian Vincent asked who enforces the requirements. Troy said the Utah Department of Agriculture does. If a resident wants to have a hive on their property, they would check to see if it is allowed by the City. Then they would register their hive with the Department of Agriculture. They would be required to put a placard on the hive that has their registration number on it. There are other requirements that have to be met and reports you must fill out and submit on a regular basis.

Brian Vincent expressed concern about the bees swarming. What if you have neighbors with severe allergies to bees? How do we protect citizens living near the hives? Brad Lee asked if we want hives in a residential zone with less than half an acre of property. All of the commissioners felt that hives shouldn't be allowed on less than a half an acre of property. Brian Vincent suggested that we have neighbors sign the application saying they are aware of the beehives. Troy cautioned against having the neighbors sign off on the application. Legally, as far as land use, you are making public clamor dictate use. The public clamor needs to happen at ordinance writing. The State of Utah has had many lawsuits because they have followed the ordinance but now because a neighbor is upset, or we ask permission for them to follow the rules, they lose every time. Brad Lee asked what the cost would be to have and maintain a beehive. He assumes that if someone has a vested interest in the hives they are more likely to maintain them. Troy said we need to get the rules to where we feel comfortable with them and still let people feel that they can do what they need to on their property. Troy continued saying that the swarming occurs when the bees are trying to relocate.

- H. Each beekeeper shall register with the Utah Department of Agriculture as provided in the Utah Bee Inspection Act as set forth in Title 4, Chapter 11 of the Utah State Code.

REGULAR MEETING

1. Call to Order

2. Pledge of Allegiance

3. Prayer: given by Korey Kap

4. Approval of Minutes from June 11, 2015.

John Detamore made a motion to approve the minutes for June 11, 2015, as written. Brian Vincent seconded the motion. All voted aye.

5. Public Comments: None given

6. Consideration of a Conditional Use Permit for a private dog kennel, located at 2825 West 300 North, Tim Yarbrough, applicant.

Tim Yarbrough was present to answer questions. Troy Moyes stated that this item had been tabled from the last agenda so the commissioners could ask Mr. Yarbrough some questions. Brad Lee asked Mr. Yarbrough where he plans to put the dog kennel on his property. Mr. Yarbrough said he has a Labrador hunting dog that is getting old and he needs to get a new pup started. Getting a new pup will put him over the limit so he is asking for a kennel license. He has no plans of raising numerous dogs. He plans to put the kennel on the south side of the shop along the shop.

Curtis Seeds made a motion to approve a Conditional Use Permit for a private dog kennel, located at 2825 West 300 North, Tim Yarbrough, applicant. Korey Kap seconded the motion. All voted aye.

7. Final plat approval, Wise Country Meadows, Phase 3, located at approximately 550 North 3000 West, Castle Creek Homes, applicant.

Kyle Hamblin was in attendance to represent the applicant. Troy Moyes stated that the City Engineer and Planner have reviewed the plans. A few items needing to be addressed were included in a letter sent to the developer. Some drawing corrections need to be made; addresses need to be added to the plat; buildable areas need to be indicated; approval is still needed from North Davis Fire District, Davis & Weber Counties Canal Company; water shares need to be transferred to the City; they must indicate required fencing along the north boundary line; and they must submit the Title Report. They must sell at least 50% of the lots in Phase 2 before beginning to sell lots in Phase 3. The developer's intent is to start construction on the infrastructure at this time.

Brad Lee asked what Castle Creek had decided to do for fencing along the west boundary. Kyle Hamblin explained the boundary line problems along the north side of the property and the developer's agreement that is in place for that. Kyle Hamblin said he isn't sure what they will do about the fencing along the west side. When they started the project, there was some concern about the adjoining property owners burning weeds along the fence and burning the vinyl fence in the process. Nothing has been decided yet on fencing materials along the west side.

John Detamore made a motion to grant final approval for Wise Country Meadows, Phase 3, located at approximately 550 North 3000 West, Castle Creek Homes, applicant, contingent upon meeting the requirement listed in the Staff Report. Brian Vincent seconded the motion. All voted aye.

8. Planning Commission Comments

Brian Vincent had no comments.

Curtis Seeds said he is excited for the City's 4th of July celebration.

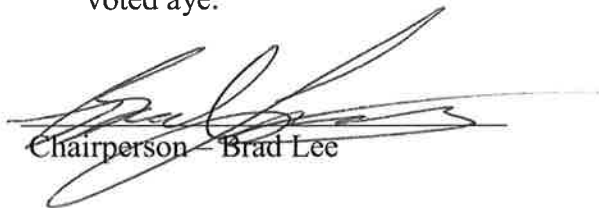
John Detamore thanked Troy Moyes for his work on these projects.

Korey Kap thanked Staff for their work.

Brad Lee welcomed Troy Moyes and expressed appreciation for the work he does as City Planner. Brad also encouraged all of the commissioners to bring their families and ride in the parade and enjoy the festivities of the day.

9. Adjournment

Brian Vincent made a motion to adjourn at 7:19 p.m. Brad Lee seconded the motion. All voted aye.


Chairperson – Brad Lee

Secretary – Michelle Bailey

