

12, Definitions

8:50

6. **Community Development Director's Report 051414**

The next Planning Commission Meeting scheduled for May 28, 2014. Items scheduled are as follows: Echelon Motors CUP to sell cars in Tumbleweed Condo's; Youngblood Amended Site Plan

E. ADJOURNMENT

CENTERVILLE CITY COUNCIL

Staff Backup Report 5/14/2014

Item No.

Short Title: Planning Commission Meeting April 23, 2014

Initiated By: Community Development

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

□ PC Minutes 042314

PRELIMINARY DRAFT

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, April 23, 2014

7:00 p.m.

A quorum being present at Centerville City Hall, 250 North Main Street, Centerville, Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

MEMBERS PRESENT

David Hirschi, Chair

Logan Johnson

Scott Kjar

Kevin Merrill

Debra Randall

MEMBERS ABSENT

Brian Holman

Gina Hirst

STAFF PRESENT

Cory Snyder, Community Development Director

Lisa Romney, City Attorney

Kathy Streadbeck, Recording Secretary

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Merrill

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held April 9, 2014 were reviewed and amended. Chair Hirschi made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Merrill and passed by unanimous vote (4-0). Commissioner Johnson abstained from voting as he was not present at this meeting.

DISCUSSION | ACCESSORY DWELLING UNITS (ADU'S) - Discuss the staff suggested process outline that contains outreach tools, educational materials, public involvement and formal procedures and meetings

Cory Snyder, Community Development Director, reported the City Council previously directed the Planning Commission to review Accessory Dwelling Units (ADU's) as a housing option within the city. He reviewed the project process outline (Memorandum dated 4/23/2014)

1 which contains outreach tools, educational materials, public involvement, and formal procedures
2 and meeting. He reviewed ways to engage and educate the public about ADU's. It is important to
3 encourage public participation. Outreach should take several weeks. Once participants are
4 involved, education is vital to help the public understand ADU's and how they can be
5 appropriately used. ADU's can be a controversial topic and education is key. Mr. Snyder
6 explained the benefits of public open houses and answering questions. It is important to give the
7 public ample time and opportunities to ask questions and raise concerns. As the process moves
8 forward roundtables/work sessions will give the Planning Commission an opportunity to address
9 concerns and issues prior to a draft ordinance. Ultimately, a draft ordinance will be created and
10 the appropriate approval process including public hearings will be conducted.

11
12 The Commission reviewed each step of the proposed process outline and agreed the
13 outline is appropriate. The outline may be adjusted as needed. The Commission agreed the public
14 should be included as much as possible.

15
16 **TRAINING | LEGISLATIVE & ADMINISTRATIVE DECISIONS - Planning**
17 **Commission training regarding types of applications that come before the Planning**
18 **Commission and the distinction between legislative and administrative decisions.**
19 **Presentation by City Attorney.**
20

21 Lisa Romney, City Attorney, used this time to educate the Commission on the distinction
22 between legislative and administrative decisions. She reviewed the different types of applications
23 the Planning Commission reviews explaining those that are approved by the Planning
24 Commission (administrative) and those that are ultimately approved by the City Council
25 (legislative). Legislative decisions include enactments or amendments to the General Plan,
26 Zoning Ordinances, Zoning Map, and/or Subdivision Ordinances. Administrative decisions
27 include conditional use permits, site plans, and subdivision plats. She also reviewed the Standard
28 of Review and the Findings necessary for both legislative and administrative decisions.

29
30 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
31

- 32 1. The next Planning Commission meeting will be Wednesday, May 14, 2014.
33 2. Upcoming Agenda Items
34 • US Trucks, Conditional Use Permit in the I-H Zone
35 • Apiaries (beehives/beekeeping), Code Text Amendment
36 • Cutler Subdivision, Flag Lot Ordinance
37
38

39 The meeting was adjourned at 8:20 p.m.

PRELIMINARY DRAFT

Planning Commission Meeting
April 23, 2014

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David Hirschi, Chair

Date Approved

Kathleen Streadbeck, Recording Secretary

CENTERVILLE CITY COUNCIL

**Staff Backup Report
5/14/2014**

Item No. 1.

Short Title: Discussion - Accessory Dwelling Units (ADUs)

Initiated By: Community Development Director

Scheduled Time: 7:10

SUBJECT

Review the modified outline and gather input on the draft press release for public awareness

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ▣ ADU Project Process Outline

Memorandum

To: Centerville City Planning Commission
From: Corvin M. Snyder AICP, Community Development Director
Date: 5/9/2014
Re: Accessory Dwelling Units – PC Modified Project Process Outline

The following project process outline reflects a modified version, as previously discussed by the Commission, for considering whether ADU's are an appropriate use for housing options in Centerville City. The outline contains outreach tools, educational materials, public involvement, and formal procedures and meetings.

Step #1 – **OUTREACH**

- ✚ Post the prepared ADU Brief publication on the City's Website
- ✚ Prepare and submit a "Press Release" to the local newspaper
- ✚ Use the City's utility billing system to send a copy of the Press Release and to direct the public to the City's website to read the ADU Brief publication
- ✚ Create and send a summary brochure, with a possible quiz, about the ADU Brief publication with a City Newsletter
- ✚ Create a few various offers/rewards for encouraging the reading of and taking the quiz about the ADU Brief publication.

Step #2 – **EDUCATION**

- ✚ Commission hosts a Public Open House Discussion (*Independent Meeting*)
 - An ADU Presentation (*e.g. PowerPoint*) given by Planning Staff
 - Staff/Commission Panel (Planner, Legal, 2 interested Commissioners) to conduct a question/answer session– solicit public questions & dialogue

- A drawing is performed to award the prizes for returning the quiz & attending the Public Open House
- ✚ Commission Work Session Roundtable #1 (*held prior to a Commission Meeting*)
 - Feedback & Comments Summary Report presented to the Commission
 - Commission discusses and identifies pertinent issues and/or concerns about ADU's to be addressed in WS Roundtable #2
- ✚ Commission Work Session Roundtable #2 (*held prior to a Commission Meeting*)
 - Planning Staff presents information, addresses, or responds to issues, concerns, or questions raised by the Commission in the Roundtable #1 meeting
 - Commission directs whether to move forward with considering a potential option of allowing ADU's and if so, identifies the foremost aspects that should be discussed in considering ADU's

Step #3 – ADU REGULATIONS EXAMINATION

- ✚ ADU Regulation Options Overview - Meeting #1 (*regular Commission meeting*) – *pending Commission directive in Roundtable #2*
 - ADU Regulation Options are presented to the Planning Commission by the Planning Staff
 - Public Comment is accepted as part of the response to potential ADU regulations
- ✚ ADU Regulation Options Overview - Meeting #2 (*regular Commission meeting*)
 - Planning Commission Discussion – a substance review of ADU Regulation Options by Commission members
 - Public Comment is accepted to receive public input for consideration of preparing an ADU ordinance
 - Commission gives directives regarding the basic framework of preparing an ADU ordinance

Step #4 – **FORMAL ORDINANCE REVIEW AND RECOMMENDATION**

✦ Formal ADU Ordinance Public Hearing Session (*regular Commission meeting*)

- Formal Staff Presentation of the proposed ADU Ordinance
- Commission conducts a Formal Public Hearing regarding proposed ADU Ordinance
- Commission tables, modifies, and/or formally makes a recommendation to the City Council regarding the proposed ADU Ordinance.

Contact: Corvin M. Snyder, AICP
Centerville City
Phone 801-292-8232
csnyder@centervilleut.com

655 North 1250 West
Centerville, UT 84014

Centerville City

Press Release

Considering Accessory Dwelling Units (ADU)

Planning Commission to study the merits of ADU's as a "housing option" within the City

Centerville, UT, [Click to select date]: The Centerville City Council has instructed the City's Planning Commission to evaluate the merits of using "*accessory dwelling units*" (ADU's) to create a variety of housing types to address a fluctuating economy, provide greater options for an aging population, or meet the lifestyle demands of a changing generation. Therefore, the Planning Commission is inviting all citizens to become familiar with the concept of ADU's and to participate in upcoming discussions to be hosted by the Commission in the near future.

Information regarding the concept of ADU's has been posted on the City's Website (www.centervilleut.net). Topics addressed in the posted brief cover issues, such as, the Purpose and Benefits of ADU's; Types of ADU's; Typical Regulations for ADU's; and other related information.

Over the next few months, the Planning Commission will be holding several work sessions and roundtable discussions and the public is invited to participate and provide input. Anyone interested in participating or keeping apprised of this topic may visit the City's website and monitor the Agendas of the Planning Commission (www.centervilleut.net) and use the "City Meetings" link; or sign up to follow the City on Twitter by using the "Get Connected" link; or may call the Community Development Department at 801-292-8232.

For Release [Time, AM/PM Time Zone, Date]

CENTERVILLE CITY COUNCIL

Staff Backup Report 5/14/2014

Item No. 2.

Short Title: Public Hearing - 1872 North Main Street (Flag Lot Subdivision)

Initiated By: Paul Cutler, Property Owner & Applicant

Scheduled Time: 7:30

SUBJECT

Consider a conceptual subdivision plan (flag lot Subdivision); which consists of 4 lots, located at 1872 North Main Street, in the R-L Zone.

RECOMMENDATION

See Staff Report

BACKGROUND

See Staff Report

ATTACHMENTS:

Description

- ☐ Staff Report 1872 N Main 051414
- ☐ 1872 North Main Subdivision Plat

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 2**

APPLICANT: HILL & ARGYLE, INC.
181 NORTH 200 WEST #4
BOUNTIFUL, UT 84010
vhill@hillargyle.com

PROPERTY OWNER: PAUL CUTLER
1872 NORTH MAIN STREET
CENTERVILLE, UT 84014

E-MAIL: paulcutler@gmail.com

PROPERTY: PARCEL 07-073-0109

ACREAGE: 1.64 ACRES

ZONING: RESIDENTIAL-LOW (R-L)

APPLICATION: CONCEPTUAL SUBDIVISION

CODE REVIEW SUMMARY:

- CONCEPT SUBDIVISION - W/ SMALL SUBDIVISION WAIVER
- REQUEST FOR TWO (2) FLAG LOTS
- HILLSIDE OVERLAY DISTRICT
- RESIDENTIAL-LOW (R-L) ZONE STANDARDS
- ACCESSORY BUILDINGS & STRUCTURES

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

BACKGROUND

The applicant, Mr. Paul Cutler, desires to revamp the existing development conditions of the property. The Planning Commission has previously reviewed the proposed conceptual subdivision, including a proposal of two (2) flag style lots. As a result, the application was tabled and several directives given for the applicant to address, including needed subdivision amendments regarding small subdivisions with flag style lots, before bringing the proposal back to the Commission.

Over the past few months (*since the original PC review of the application*), the applicant demolished a barn-dwelling structure, thereby eliminating the issue of its non-legal status. Additionally, the City in response to issues raised during the previous Commission review, the Flag Lot Ordinance was modified to address how flag lot development is viewed or managed from a small subdivision waiver approval process. The adopted amendments now allow multiple lots to involve flag style layouts and to use the small subdivision approval process provided, however, an official subdivision plat linen be recorded to complete the division of land.

PREVIOUS DIRECTIVES FOR THE CONCEPTUAL SUBDIVISION

On July 10, 2013, the Centerville City Planning Commission made a motion to table action for the request of a small subdivision waiver/flag lot for the project located at 1872 North Main Street, with the following directives to be completed and/or submitted for further consideration:

1. The conceptual plan submittal needs to address the topography and slope issues of the Hillside Overlay Zone.

Staff Response: The re-submitted plans address the topography and grading of the site. The following is a summary of applicable standards and compliance:

- a. Lot #3 lists a buildable area of 4,863 sq. ft., where 5,000 sq. ft. is required. However, the actual lot appears to have more buildable area than what is being depicted. This likely would just need verification prior to recordation of the final subdivision plat.
 - b. The overall grade of the area is about 10%. Given the proposed development is only 60% of the allowable density; no additional lot size requirements are warranted.
 - c. All build areas of the lot are located within 250 feet of a public or private (*in the case of the flag lots*) street or access lane.
 - d. The re-submitted plans provide a site grading, drainage, and storm water management plan that has been reviewed and generally accepted by the City Engineer.
 - e. A geologic and soils report has not been submitted, as required. From planning staff's review, the project site is surrounded entirely by existing development, thus this matter ought to be referred to the City Engineer to determine if surrounding previous studies adequately identify and/or address such concerns or if partial or full studies are needed to ensure compliance with the Hillside provisions.
2. The conceptual plan submittal is to adequately address the fire lane, turnaround, and hydrant expectations. The applicant, City Engineer and the Fire Marshal still need to work together to come up with a solution.

Staff Response: The re-submitted plans address the width of the access lane, hydrant spacing, and turn-around area. The applicable City staff and the Fire Marshal have reviewed the plans and generally have deemed them acceptable.

3. The conceptual plan submittal is to address the specifics involved with providing needed services. The applicant will still be required to work with the City Engineer concerning any drainage issues and utility placements.

Staff Response: The re-submitted plans have substantially addressed the needs for establishing needed services. The applicant has provided the required utility provider sheets and all have indicated that their services are available, provided the applicant and/or the utilities install the expected service lines and pays applicable fees. A few changes and clarifications have been identified by the City Engineer and will need to be deemed complete or satisfied before the recordation of the final subdivision plat.

4. The conceptual plan submittal is to address the issue of maintenance for the flag lot access stem.

Staff Response: The re-submitted plans depict the stem as part of Lot 2, with a portion of the fire access turn-around on Lot 3. In addition, the plat note indicates the stem is a shared access easement. However, there are no terms or covenants addressing the maintenance responsibilities of the shared stem and easement.

5. The conceptual plan submittal will need to provide an accessory building remediation plan to address the ordinance requirements, as summarized in the staff report.

Staff Response: As indicated earlier in this report, the issue of the barn-dwelling has been resolved. Nonetheless, the buildings on Lot 2 have not been resolved. The current Ordinances require that all lots maintain a primary dwelling (house) concurrently or prior to the construction and use of any accessory building. These buildings and their uses for Lot 2, have not been adequately addressed with the re-submitted plans. There are a few options to consider:

- ✓ Convert and secure the approval to establish a primary dwelling within or apart of the west structure (*the east structure does not meet setbacks for a primary dwelling*).
- ✓ Provide to the City a demolition bond prior to plat recording with a demolition deadline set for a definitive date.
- ✓ Provide a plat note that restricts the buildings from being used, modified, or occupied until a primary dwelling is established.
- ✓ Record non-compliance certificates against Lot 2 until the structures are removed or a primary dwelling is established.
- ✓ Demolish the accessory structures prior to subdivision plat recording.

PLANNING STAFF RECOMMENDATION

Suggested Motion for the small subdivision waiver/flag lot for properties located at 1872 North Main Street. I hereby make a motion for the Planning Commission to approve the request of a small subdivision waiver/flag lot for the project located at 1872 North Main

Street, with the following conditions to be completed or submitted to the City staff prior to or as part of finalizing and recording the subdivision plat:

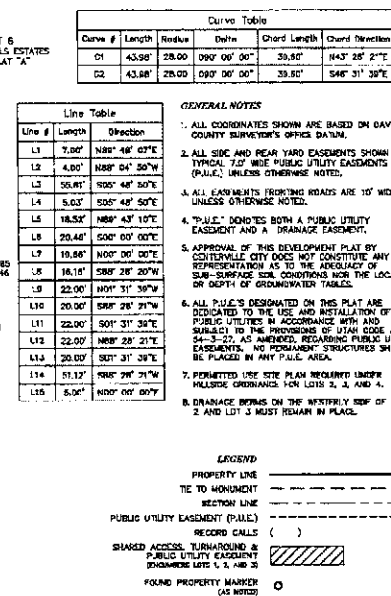
1. This small subdivision waiver approval consists of allowing up to four (4) lots, with no more than two (2) flag style lots.
2. The applicant shall prepare the final subdivision construction drawings, which shall be deemed acceptable by the City Engineer.
3. The applicant shall prepare a final paper version of the subdivision plat and submit it to the City's Engineer and City Attorney for review and comment, prior to preparing and submitting the final mylar linen subdivision plat.
4. Lot #3 shall be corrected to comply with a minimum buildable area of 5,000 square feet.
5. The geologic and soils subjects shall be satisfied in accordance with the Hillside Overlay Standards. The applicant shall coordinate with the City Engineer to determine if surrounding previous studies adequately identify and/or address such concerns.
6. If the City Engineer deems it necessary, the applicant shall provide a partial or full geologic or soils study(s).
7. After reviewing the geologic or soils information, if the City Engineer or other staff deems that it is necessary to significantly alter the layout or parameters of the proposed subdivision, then the subdivision shall be remanded back to the Planning Commission for further review and decision.
8. The plans shall address the issue of maintenance responsibilities for the flag lot access stem and fire access turn-around, which shall be deemed acceptable by the City Attorney.
9. For Lot 2, a remediation plan shall be prepared and submitted for the existing buildings, which shall be deemed acceptable by City staff. The potential options to consider are:
 - a. Convert and secure the approval to establish a primary dwelling within or apart of the west structure (*the east structure does not meet setbacks for a primary dwelling*).
 - b. Provide to the City a demolition bond prior to plat recording with a demolition deadline set for a definitive date.
 - c. Provide a plat note that restricts the buildings from being used, modified, or occupied until a primary dwelling is established.
 - d. Record non-compliance certificates against Lot 2 until the structures are removed or a primary dwelling is established.
 - e. Demolish the accessory structures prior to final subdivision plat recording.

Suggested Reasons for the Action (Findings):

- a. The Planning Commission finds that with the conditions imposed, the proposed subdivision meets the City's Subdivision Standards, as listed in Title 15.
- b. The Planning Commission finds that the proposed subdivision meets the qualifiers for a small subdivision waiver and allowing for flag lot development.
- c. The Planning Commission finds that with the conditions imposed, the subdivision meets the Hillside Overlay District regulatory provisions.
- d. The Planning Commission finds that the layout and with the conditions imposed, that the subdivision meets the regulatory provisions for allowing flag lots.

- e. The Planning Commission finds that with the conditions imposed, the status of the accessory buildings meets the regulatory provisions regarding the establishment of a primary use in conjunction with or prior to the construction or use of accessory buildings.

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31
TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
CENTERVILLE CITY, DAVIS COUNTY, UTAH



I, VON R. HILL, A REGISTERED LAND SURVEYOR HOLDING CERTIFICATE NO. 106580 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS I HAVE MADE AN ACCURATE SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREWITH AND PURSUANT TO SAID TRACT OF LAND HEREAFTER TO BE KNOWN AS PAUL CUTLER SUBDIVISION, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AS SHOWN ON THIS PLAT.

BOUNDARY DESCRIPTION

BEING AT THE NORTHWEST CORNER OF LOT 6, WILLIAM HILLS CITIES
SUBDIVISION PLAT "A", ACCORDING TO THE OFFICIAL PLAT THEREOF, SAID POINT
OCCUPYING AS NORTH PROPERTY EAST 738.11 FEET ALONG THE SECTION LINE AND
THE SOUTH CORNER OF SAID LOT 6, BEING THE POINT OF BEGINNING OF THE
TOWNSHIP OF NORTH, RANGE 1 EAST, T41C, L41C, S41C, L41C, S41C, L41C, S41C
TOWNSHIP, R1E, N41C, S41C, L41C, S41C, L41C, S41C, L41C, S41C, L41C, S41C,
TOWNSHIP BEING IN THE INTERSECTION OF 1000 NORTH STREET AND 100 EAST
10TH STREET, BEING THE POINT OF BEGINNING OF THE SECTION LINE OF
TOWNSHIP NORTH, RANGE 1E, EAST 700.00 FEET ALONG THE NORTH LINE OF SAID LOT 6;
THENCE SOUTH 05°45'40" EAST 144.67 FEET TO THE SOUTH LINE OF SAID LOT 6;
THENCE SOUTH 05°45'40" EAST 144.67 FEET TO THE SOUTH LINE OF SAID LOT 6;
THENCE SOUTH 05°45'40" EAST 56.91 FEET TO A POINT ON THE EXTENSION OF A
SECTION LINE OF SAID LOT 6;
THENCE SOUTH 06°45'40" WEST 313.08 FEET ALONG SAID FENCE TO THE POINT ON
THE EAST LINE OF STATE ROAD 100.00 AND A 114822.00' RADIUS
CURVE BEING THE POINT OF BEGINNING OF THE SECTION LINE OF THE NORTHWEST
CORNER OF LOT 6, BEING THE POINT OF BEGINNING OF THE SECTION LINE OF THE
TOWNSHIP OF NORTH, RANGE 1E, EAST 700.00 FEET ALONG THE NORTH LINE OF
SAID LOT 6;
THENCE SOUTH 05°45'40" EAST 144.67 FEET TO THE SOUTH LINE OF SAID LOT 6;
THENCE SOUTH 05°45'40" EAST 56.91 FEET TO THE POINT OF BEGINNING OF THE
SECTION LINE OF SAID LOT 6.

KNOWN ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO PRIVATE LOTS, HERETOFORE TO BE KNOWN AS LOT 10, SECTION 18, TOWNSHIP 36N, RANGE 12E, COUNTY OF POLK, IOWA, DO HEREBY PERMANENTLY DEDICATE AND CONVEY TO THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND DO WARRANT, DEFEND, AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH THE CITY'S USE, OPERATION AND MAINTENANCE OF THE STREETS.

SIGNED THIS _____ DAY OF _____, 20____

PAUL A. CUTLER

SHERRY D. CUTLER

ON THIS _____ DAY OF _____, 20____, THERE PERSONALLY
APPEARED BEFORE ME _____
SIGNER OF THE OWNER'S DECLARATION, WHO DULY ACKNOWLEDGED THEY SIGNED
IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES MENTIONED HEREIN.

NOTARY PUBLIC

REFERENCE:

KNOW ALL MEN BY THESE PRESENTS THAT _____ BANK
THE UNDERSIGNED COMPANY AS A CLAIMANT WITH RESPECT TO THE ABOVE
TITLED SUBDIVISION DOES HEREBY CONSENT TO THE RECORDING THEREOF OF
ALL STREETS AND EASEMENTS AS SHOWN HEREON FOR THE USE OF THE PUBLIC
FOREVER, AND IN CONSIDERATION OF THE ACCEPTANCE OF THIS DEDICATION
PLAT BY THE GOVERNING BODY OF CENTERVILLE CITY, SAID CORPORATION DOES
HEREBY SUBORDINATE ITS INTEREST IN AND TO THE LAND INCLUDED WITHIN
SUCH PUBLIC STREETS AND EASEMENTS TO THE PUBLIC USE FOREVER.

NAME	RANK	TITLE

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31
TOWNSHIP 3 NORTH, RANGE 1 EAST, S.L.B.&M.
CENTERVILLE CITY, DAVIS COUNTY, UTAH

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND RECORDED THIS _____ DAY OF _____
20____ AT _____ IN BOOK _____ PAGE _____
COUNTY RECORDER _____
BY _____ DEPUTY _____

H & A HILL & ARGYLE, Inc.
Engineering and Surveying
181 North 200 West, Suite 44, Bountiful, Utah 84003
(801) 288-2206 Phone, (801) 288-2963 Fax

PRESENTED TO THE CITY COUNCIL OF CENTERVILLE, UTAH THIS _____ DAY OF _____, 20____, AT WHICH TIME THIS PROJECT WAS APPROVED AND ACCEPTED,

CITY RECORDER ATTEST: _____
MAYOR: _____

ON THIS _____ DAY OF _____, 20__

CENTERVILLE CITY ENGINEER: _____

CENTERVILLE CITY ENGINEER: _____

ON THIS _____ DAY OF _____, 20____

CENTERVILLE CITY ATTORNEY:

CENTERVILLE CITY ATTORNEY:

ON THIS _____ DAY OF _____ 20____, BY THE
PLANNING COMMISSION OF CENTREVILLE CITY.

CHAIRMAN:

CHAIRMAN:

CENTERVILLE CITY COUNCIL

Staff Backup Report 5/14/2014

Item No. 3.

Short Title: Public Hearing - The Home Depot, 50 North Market Place Drive

Initiated By: Daren Garner, The Home Depot, Applicant

Scheduled Time: 7:50

SUBJECT

Consider a conditional use permit (with expiration) for a seasonal sales display and outdoor storage for The Home depot, located at 50 North Market Place Drive

RECOMMENDATION

See Staff Report

BACKGROUND

See Staff Report

ATTACHMENTS:

Description

- D Staff Report Home Depot 051414
- D Home Depot Site Plan, Development Agreement 051414

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 3**

PROPERTY OWNER: HD DEVELOPMENT

APPLICANT: DAREN GARNER

E-MAIL ADDRESS: NOT AVAILABLE

PROPERTY: THE HOME DEPOT
50 NORTH MARKET PLACE DRIVE
CENTERVILLE, UT 84014

ACREAGE: 11.98 ACRES

ZONING: COMMERCIAL-VERY HIGH (C-VH)

APPLICATION: CONDITIONAL USE PERMIT (WITH EXPIRATION)

CODE REVIEW SUMMARY: CONDITIONAL USE PERMIT, SECTION 12-34-040, 1997 SECOND AMENDMENT
DEVELOPMENT AGREEMENT

STAFF RECCOMENDATION: GRANT APPROVAL WITH FIVE (5) YEAR
EXPIRATION DATE

BACKGROUND

Since spring of 2005, The Home Depot has requested a conditional use permit (with an expiration), to be granted for the spring and summer season. Yet in March of 2011, a conditional use permit was issued which extended the permit until September 30, 2013. This year The Home Depot is again requesting to renew the permit for one display area located just south of the store, closest to the Garden Center. In years past, they also had an additional site at the far southwest end of their property, however this year they will not be utilizing this space. The proposed area will house trees, shrubs and other garden material that does not fit within the store area.

Development Agreement

According to the Second Amendment of the Development Agreement for the Centerville Marketplace, dated December 18, 1997, it states: "A temporary storage is acceptable with a conditional use permit." It also states that an outdoor display may be placed in locations not generally designated as display areas, if the use is temporary. Therefore, in order to follow the requirements of the Development Agreement the conditional use permit must be issued, yet because it is temporary in nature it must also have an expiration date. The Home Depot desires to use the display area for the spring and summer season only. However, staff is recommending the permit be allowed for a total of five (5) years and expire on September 30, 2019.

Conditional Use Permit

The use of temporary storage on The Home Depot property is considered an accessory use [Chapter 12-12]. An accessory use is allowed in a commercial zone and may be permitted if a conditional use has been established [Section 12-34-040]. In addition, any temporary use not called out in the temporary use chapter, would be subject to a conditional use permit [Section 12-56-060]. "Temporary Storage" is *not* called out and is therefore, subject to the conditional use permit criteria.

Location and Use

The request would be for a single display area with an approximate size of 50' x 60' in the front of the parking lot approximately west of the Garden Center. The display will utilize approximately 18 stalls. Yet, this will not drastically affect the overall parking calculations since there will be 567 parking stalls still available, which is above the required amount of five stalls per one thousand square feet of floor area (based on the Development Agreement, November 9, 1994). According to the 1997 site plan, the total required parking was 529 spaces and 595 stalls were provided. Therefore, the temporary storage and display area will have minimal impact on parking stall availability. The display area will be open during normal store operating hours and must be locked when the store is closed.

Material Used for Screening

In years past, the Planning Commission expressed concern over the type of screening material placed on the fence of the storage area found in the far southwest of the parking lot. The screening product which was secured on the fence did not hold up well and tended to blow off or tear in places. In addition, the Development Agreement does not state the display area is required to be screened from view. Therefore, since they are not doing the larger storage area, staff does not believe the screening around the display area is necessary. All garden material must located within the fenced area and not found on the outside. Finally, the screening fence may not be used for advertising of any kind.

Factors of Approval

Section 12-21-100(e)(3)(A-D)

- In order to ensure the safety of the customers, staff recommends having directional signs on the fence, informing customers that the drive-isle has been closed. These signs should also direct traffic around the temporary display area.

- There is evidence from the applicant that the temporary storage is necessary to meet the demands of their customers during the peak season of spring through summer.
- The conditional use permit for a storage display area will meet the requirements of the Development Agreement, by obtaining a permit for an outside display storage area.

Section 12-21-100(e)(5)(A-K)

- The proposed use is in harmony with what already exists at the current site. The Home Depot specializes in home and garden materials, and during the spring and summer, have an over abundance of garden product. This display area will be housing the overflow of garden material in order to meet the demands of its customers.
- In past years, staff has not heard from surrounding business owners voicing concern over the display area nor has staff noticed any negative impact on the surrounding community. Additionally, no evidence has indicated any economic hardship on the surrounding businesses because of the temporary display area.
- The applicant will be responsible in maintaining the fenced area and ensuring the area around the display area is kept clean and orderly. If the weather damages any of the fenced area, the applicant must take the necessary steps to correct the situation within 24 hours. Staff will be randomly investigating the facility to ensure the storage area is being properly maintained.
- There are no other temporary conditional use permits currently issued within the Centerville Marketplace.

CONCLUSION

Since past years have proven that The Home Depot has followed their conditions of approval, staff is requesting that the Planning Commission consider an alternative review schedule. Staff is suggesting that the conditional use permit expire after five (5) years. Therefore, the current proposed **conditional use permit would expire on September 30, 2019.**

PLANNING STAFF RECOMMENDATION

Suggested Motion for the conditional use permit for The Home Depot located at 50 North Market Place Drive – I hereby make a motion for the Planning Commission to approve a conditional use permit for The Home Depot at 50 North Market Place Drive, with the following conditions.

1. All professional service fees be paid.
2. The conditional use permit shall be in effect from the approval date and shall **expire on September 30, 2019.**
3. The use of the temporary display area shall be from March 1 to September 30 of each year. After which the temporary storage area shall be dismantled.
4. The display area will be located just south of the Garden Center as indicated on the site plan, dated April 28, 2014.
5. The area shall be open during business hours and then secured when The Home Depot is closed.

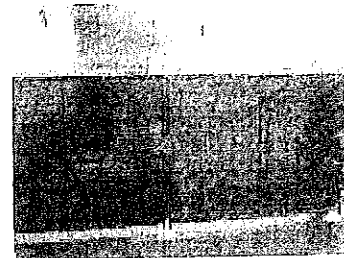
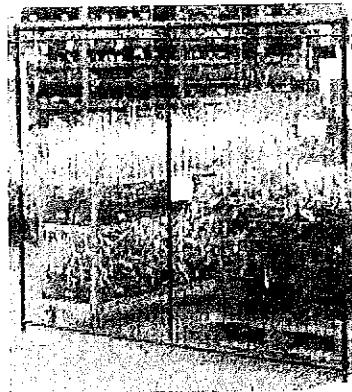
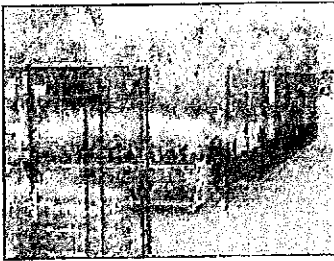
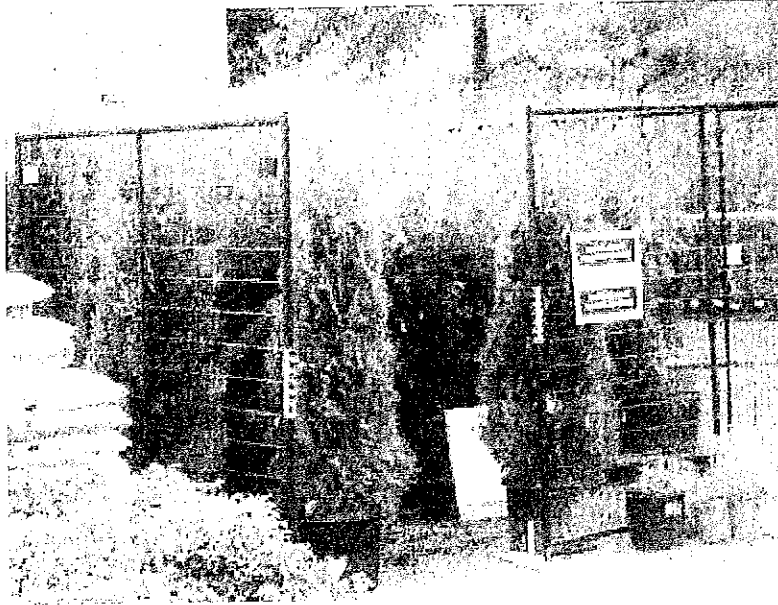
6. The storage area shall consist of a six-foot fence as indicated in the submitted example, dated April 28, 2014.
7. If the fence is damaged, it shall be repaired within 24 hours.
8. No product shall be located above the six-foot fence or on the outside of the gate or perimeter fencing.
9. The applicant shall assure that the parking-isle between the storage area is cut off from two-way traffic and clearly marked.

Suggested Reasons for the Action (Findings):

1. A full application was submitted for a conditional use permit [Section 12-21-100(d)(1)].
2. An accessory use is permitted within a C-VH Zone [Chapter 12-34].
3. The applicant clearly states where the display area will be located, the size, the use and how they will comply with the Development Agreement.
4. The application meets the standards of the Amended Development Agreement for the Centerville Marketplace Planned Commercial Development (Second Amendment, Development Agreement, December 18, 1997).

TEMPORARY FENCING

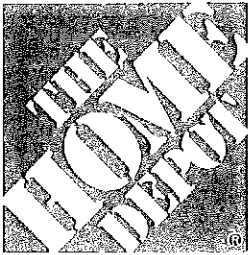
DISPLAY AREA



Examples are from the company that will be providing the temporary fence to the Home Depot, for the display area.

www.myrentalfence.com

RECEIVED APR 28 2014



50 N Market Place Dr. • Centerville, UT 84014
(801)292-0238 • Fax: (801)397-7336

Application for Conditional Use Permit

Since the spring of 2005, the Home Depot Centerville has requested and recieved a conditional use permit for storage and sell of seasonal product. The request is for a single area in which to store extra seasonal product. The permit will be temporary and will end on September 30, 2014.

The Attached plot plan shows the area being requested and is an approximate size of 50' x 60' to be surrounded by fencing. This will be a public access shopping area across from the outside garden area. The storage area will be dismantled after the seasonal use is completed on or before September 30, 2014.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Daren Garner".

Daren Garner
Operations Assistant Store Manager
The Home Depot
50 North Market Place Drive
Centerville, UT 84014
(801)292-0238

RECEIVED APR 28 2014

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT is made and entered into as of the 18th day of December, 1997, by and between Centerville City, a municipal corporation of the State of Utah, hereinafter referred to as "City", and Dayton Hudson Corporation, a Minnesota corporation, hereinafter referred to as "Developer".

WITNESSETH:

WHEREAS, the parties hereto previously entered into a Development Agreement dated November 9, 1994, as amended by the First Amendment to the Development Agreement, hereinafter collectively referred to as "Agreement", a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, the parties hereto desire to amend certain provisions of the Agreement, as previously amended, as more particularly set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

Section 1. Storage and Display Area Amendments. Paragraph 4b(8)(ii) of the Agreement is hereby amended to read in its entirety as follows:

(ii) Except as otherwise provided herein, outside displays shall be limited to designated outside display areas as shown on approved final site plans for the Project. No outside display (either permanent or temporary) shall be permitted to block required driveways, fire lanes, sidewalks, traffic visibility, traffic and parking aisles, public rights-of-way, nor be located upon any landscape area (other than on approved display pads). The City may approve outside display areas that are not located within designated outside display areas as shown on approved final site plans on a limited and temporary basis solely in accordance with and upon application by Developer and/or property owner for a temporary conditional use permit issued in accordance with the City Temporary Conditional Use Permit Ordinance; provided, no more than three (3) temporary conditional use permits may be issued for property within the Project at any given time. Applications for permits shall be reviewed and addressed by the City in the order in which they are received. Any such application for limited and temporary outside display areas not located within designated outside display areas pursuant to an approved temporary conditional use permit shall also require compliance and approval in accordance with terms and conditions of the Operation and Easement Agreement and Declaration of Restrictive Covenants governing the Project.

Section 2. Full Force and Effect. Except as expressly modified herein, the Agreement of the parties dated November 9, 1994, shall remain in full force and effect.

Second
Section 3. Binding Effect. This ~~First~~ Amendment to Development Agreement shall be binding upon the parties hereto and their respective officers, employees, representatives, successors and assigns.

Second
IN WITNESS WHEREOF, the parties hereto have executed this ~~First~~ Amendment to Development Agreement by and through their respective, duly authorized representatives as of the day and year first above written.

"CITY"
CENTERVILLE CITY

Quiselle A. Bell

Mayor

ATTEST:

Marilyn Holge

City Recorder



"DEVELOPER"
DAYTON HUDSON CORPORATION

BY: *[Signature]*
ITS: *Edward J. Bierman*
Vice President
Target Stores

CENTERVILLE CITY COUNCIL

**Staff Backup Report
5/14/2014**

Item No. 4.

Short Title: Public Hearing - US Trucks, 680 West 1000 West, Unit 7 & 8

Initiated By: Paul Mathews, US Trucks, Applicant

Scheduled Time: 8:10

SUBJECT

Consider a conditional use permit for US Trucks to sell used service trucks located at 680 North 1000 West, Unit 7 & 8, in the I-H Zone

RECOMMENDATION

See Staff Report

BACKGROUND

See Staff Report

ATTACHMENTS:

Description

- ☐ Staff Report US Trucks 051414
- ☐ US Trucks Site Plan 051414

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 4**

OWNER: MERRILL SHERIFF
707 NORTH 1000 WEST
CENTERVILLE, UTAH 84014

APPLICANT: PAUL MATHEWS
US TRUCKS
680 NORTH 1000 WEST, UNIT 8
CENTERVILLE, UT 84014

EMAIL: PAUL@USTRUCKS.COM

PROPERTY: MK INVESTMENTS
680 NORTH 1000 WEST, UNITS 7 & 8

ZONING: INDUSTRIAL – HIGH (I-H)

APPLICATION: CONDITIONAL USE PERMIT – VEHICLE SALES

STAFF RECOMMENDATION: APPROVAL OF THE CONDITIONAL USE
PERMIT

BACKGROUND

In 2007, Paul Mathews of Freewheel Mobility Solutions received approval to conduct business at 680 North 1000 West in Units 7 & 8 of the MK Investment Complex. This business specialized in placing equipment into vehicles for persons with disabilities. The business had two uses, vehicle and equipment repair general and vehicle and equipment rental or sales. However, Mr. Mathews has now chosen to switch the type of business being conducted at this location, and formed US Trucks. According to a recent statement by the applicant, US Trucks will also be specializing in a small number of vehicles in which utility equipment such as a vise, air compressor, small crane, welder drawer units and other items will be added for the customer. Therefore, staff believes it follows the exact same business type as Freewheel Mobility, with vehicle and equipment repair, general and vehicle rental or sale, new, limited.

Chapter 12-12, Definitions

- **Vehicle and Equipment Repair General:** An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, **installation of major accessories** and transmission and engine rebuilding services.
- **Vehicle Rental or Sale, New, Limited:** An establishment engaged in the **retail sale** or rental, from the premises, of new motorcycles, **automobiles, and/or light trucks**, along with incidental service maintenance.

Table 12-36, Table of Uses Allowed

The table of uses allowed in the Zoning Ordinance [12-36], allows vehicle and equipment repair general in the industrial high (I-H) Zone. Vehicle rental or sale, new, limited, is allowed by conditional use only. The applicant has informed staff they do more installing than selling vehicles, yet they still sell a few.

New Conditional Use Permit

The conditional use permit approved for Freewheel Mobility clearly stated:

- *The use of vehicle sales shall be a permitted and limited use for **Freewheel Mobility Solutions**. This use is limited only to the sales of vehicles containing equipment for the disabled. This use is only allowed inside of units occupied by **Freewheel Mobility at 680 North 1000 West**.*

A conditional use permit runs with the land, however, in this case it not only was allowed at this location, but for Freewheel Mobility only. Therefore, since the business name has changed to US Trucks, they are required to resubmit for a new conditional use permit.

CONDITIONAL USE PERMIT

Evidence [Section 12-21-100(e)(3)]

The General Plan states that in order for the City to generate revenue for local services "...Centerville City should provide for the establishment and viability of commercial and industrial services in designated areas of the community" [Section 12-430-1]. In addition, the General Plan gives the indication that one specific use for the west side should be light manufacturing and professional service [Section 12-430-3(2), 12-480-6(1H)]. It appears that US Trucks is consistent with the goals and objectives of the General Plan. Finally, since the equipment placement will be operating entirely indoors, they will not be harmful to the surrounding businesses or to the City.

Factors to be Reviewed [Section 12-21-100(e)(5)A-K]

Suitability of the Site and Surrounding Area (A-D, F, K)

The proposed use appears to be suitability for the specific property of 680 North 1000 West, since Freewheel Mobility also conducted a similar business at the same location. The

complex is found within an industrial complex that has other light manufacturing and similar uses. However, no other similar conditional use permit is found within the MK Investment Complex. The business will not be using the space outside of their assigned units for equipment placement, however, they will be selling up to three trucks outside at any one time.

Impacts of aesthetics and surrounding area (E, I)

The proposed business does not have any impact on the aesthetic appearance of the property, since the site has already been approved previously concerning the design of the building and landscaping. The applicant may not remove landscaping or block any parking stalls with equipment or trucks to be sold. In addition, they may not use any portion of the site for outdoor storage, except for the three trucks that may be on display in the designated parking stalls. The applicant will need to make sure the outside of the business will remain aesthetically pleasing to the surrounding tenants. In speaking with the applicant, there are no pollutants emitted from the proposed facility. To install some of the equipment into a few of the vehicles, an air compressor will need to be used. This would be the loudest noise coming from the facility

Impact on parking, transportation and utilities (G-H, J)

All deliveries of vehicles and equipment must be conducted during regular business hours from 7:00 a.m. to 6:00 p.m. The business does not generate a large volume of traffic and will have a maximum of four to five employees. Since the proposed business is not changing any portion of the complex to conduct business, there is adequate utilities, lighting, drainage, parking, fire protection, etc. The building is designed so that each unit has adequate loading space in front of the pull up door, with an additional main entrance. The proposed business will occupy two units and have two loading areas and two front doors.

CONCLUSION

After reviewing the Conditional Use Permit Application, staff finds the proposal is in harmony with what already exists in the area. In addition, staff believes the previous business of Mr. Mathews (Freewheel Mobility), was very similar in nature to his new business US Trucks. Therefore, the general use of the property is not being altered.

PLANNING STAFF RECOMMENDATION

Suggested Motion for a conditional use permit located at 680 North 1000 West Units 7 & 8—I hereby make motion for the Planning Commission to approve the conditional use permit for US Trucks located at 680 North 1000 West, Units 7 & 8, with the following conditions:

1. All fees shall be paid
2. The use of vehicle sales shall be a permitted and limited to utility trucks containing equipment that has been installed by US Trucks.
3. Installation of the equipment within the trucks shall only be allowed inside of Unit 7 and Unit 8, occupied by US Trucks at 680 North 1000 West.
4. The applicant shall be allowed to utilize three parking stalls in front of Unit 7 and Unit 8 for display of trucks only. These stalls shall be clearly marked for the use of display only.
5. The applicant shall not occupy the designated landscaped areas, or required parking stalls with any outside storage, equipment or display vehicles.

6. Any deliveries or pick ups shall take place between regular operating hours.

Suggested Reasons for the Action (Findings):

1. The applicant has submitted a full application for a conditional use permit [Section 12-21-100(d)(1)].
2. The use of vehicle and equipment rental or sales is a permitted use within the Industrial-High Zone with a conditional use permit [Table 12-36].
3. The use is consistent with the General Plan of Centerville City [Sections 12-430-3(2), 12-480-6(1H)].
4. Using the site to sell a limited number of utility vehicles is suitable for this property and will not injure the surrounding tenants or the City.

CENTERVILLE CITY COUNCIL

Staff Backup Report 5/14/2014

Item No. 5.

Short Title: Public Hearing - Code Text Amendment, Apiaries/Beekeeping

Initiated By: Centerville City Council, c/o Paul Cutler, Mayor

Scheduled Time: 8:30

SUBJECT

Consider amending various proposed Zoning Ordinance Text Amendments regarding Apiaries/Beekeeping in Chapter 12-36, Tables of Uses and Chapter 12-12, Definitions

RECOMMENDATION

See Staff Report

BACKGROUND

See Staff Report

ATTACHMENTS:

Description

- Staff Report Apiaries/Beekeeping 051414
- Apiaries/Beekeeping Materials 051414

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 5**

APPLICANT: **CENTERVILLE CITY COUNCIL
C/O PAUL CUTLER, MAYOR
250 NORTH MAIN STREET
CENTERVILLE, UTAH 84014**

APPLICATION: **ZONING CODE TEXT AMENDMENTS**

APPLICANT REQUEST: **AMEND CENTERVILLE CITY ZONING ORDINANCES TO REMOVE APIARIES (*i.e. beekeeping*) FROM THE DEFINITION OF ANIMAL SPECIALTIES AND ALLOW THEM AS AN UNREGULATED USE BY THE CITY (*i.e. applicable state regulations are adequate*)**

RECOMMENDATION: **RECOMMEND DENIAL OF THE ZONING CODE TEXT AMENDMENTS**

BACKGROUND

On March 19, 2014, the Centerville City Council directed the planning staff to prepare necessary zoning text amendments to remove the prohibition of "apiaries" (*aka: beekeeping – see Chapter 12-12-Definitions-Animal Specialties; and 12-36-Table of Uses-Animal Specialties*) within Centerville City limits. Furthermore, the Council voted unanimously to let the state continue management and regulation of beekeeping and no further regulation was deemed necessary with local codes and Ordinances for Centerville City.

PROPOSED AMENDMENTS

CHAPTER 12-12 - Definitions:

[Modified definitions] *[edit] Animal Specialties: The production of small animals and associated products. Typical uses include chicken and turkey raising, egg production, ~~apiaries~~, and aviaries.*

[add] Apiaries (beekeeping): "Apiary" means any place where one or more colonies of bees are located for personal or commercial use.

TABLE 12-36 - Table of Uses Allowed

<i>Agricultural Uses</i>	
<i>[add] Apiaries (aka: beekeeping)</i>	<i>The keeping and management of bees are subject to state statues and/or other applicable codes or regulations. Centerville City does not regulate or enforce the practice of beekeeping within the City's municipal limits.</i>

ZONE TEXT AMENDMENT APPROVAL STANDARDS SECTION 12-21-080(e)**1. Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?**

Within the City's General Plan, there are no generalized or specific statements concerning the keeping and use of animals, including beekeeping, for private or commercial use.

Staff Response: The planning staff believes the General Plan goals, objectives, and policies are unbiased concerning the proposed text amendments. Notwithstanding the absence of such a preference, it appears from staff's review, there are many specific policies addressing the raising and use of animals within the Zoning Ordinances. Such policies will be further highlighted in this report.

OTHER CONSIDERATIONS*Current Legislative Policy and Consistency*

A decision to amend the Zoning Ordinance provisions is considered a legislative proceeding (*see Section 12-21-080, General Decision-Making Standards*). Decisions regarding a legislative application are based on the "reasonably debatable" standard. The decision-making authority is to determine what action, in its judgment, will:

- ✓ Reasonably promote the public interest
- ✓ Conserve the values of adjacent properties
- ✓ Avoid incompatible development
- ✓ Encourage appropriate use and development
- ✓ Promote the general welfare of the community

In considering these above listed principles and related existing zoning regulations, the planning staff believes that the proposed amendment regarding beekeeping is not consistent with previous legislative decisions, specifically concerning how animals and their associated elements are currently regulated within the City's Zoning Ordinance. Consider the following:

- a. *Animal Unit Allocation* - In Chapter 12-12, Definitions, the Zoning Ordinance establishes a method for accounting for the relative impact of domestic animals and fowl allowed in the agricultural zones. These points are calculated as follows:

- Large Size Animals (e.g. horse or cow) are assigned 50 points per animal
- Medium Size Animals (e.g. sheep or goats) are assigned 25 points per animal
- Small Size Animals (e.g. small or large fowl) have an assigned range from 2-8 points per animal

Within the Agricultural Zones, which allows the keeping of domestic farm variety animals, an acre of land is granted 100 points. Thus, the keeping of animals is proportionally distributed with the applicable animal unit points allotted to the size of the parcel where the animals are being kept.

- b. Animal Specialties – The production of small animals and associated products. Typical uses include chicken and turkey raising, egg production, apiaries, and aviaries. Currently, these types of uses are “prohibited” throughout all Zoning Districts of the City (*see 12-36-Table of Uses Allowed*).
- c. Agricultural Business – A commercial agricultural activity...or the boarding or stabling of animals other than those owned and used by household members. Currently, these activities are only allowed in the Agricultural-Medium (*no districts exist*) or the Industrial-High Zones.
- d. Stable, Private – A private stable use is limited to the Agricultural-Low/Medium and all Public-Facility Zones.
- e. Animals And Fowl For Recreation And Family-Food Production - Notwithstanding the typical agricultural allotment for the keeping of animals, the Zoning Ordinance also allows for the limited keeping of animals and fowl (*aka: chicken ordinance*). These provisions allow for up to 10 chickens or rabbits (*rabbits may not exceed a total of six*) to be kept within the Residential-Low Zones, which is the prominent residential zoning district for the City. This allowance has a set of regulatory standards and requires an annual permit with an associated minimum fee.
- f. Household Pets – Allows for the keeping of animals ordinarily permitted in a house (e.g. cat or dog) and kept for company or pleasure and not for profit. This excludes the keeping of domestic farm variety animals or more than two dogs (*more than two dogs constitutes a kennel, which must be located in select zones other than residential*).

Staff Position: The planning staff believes that the existing legislative policy decisions indicate that there is a public interest in establishing regulations relating to the use and keeping of animals that promotes the general welfare of the community. Thus, to remove the beekeeping prohibition and wholly eliminate any zoning regulation regarding the allowance of “apiaries” is not consistent with other related matters found within the City’s Zoning Ordinance.

Understanding State Statutes for Beekeeping

Title 4, Utah Agricultural Code, Chapter 11, is known as the “Utah Bee Inspection Act.” From staff’s review, the “Act” (*see staff report attachments*) contains provisions regarding the

registration and inspection of “apiaries.” The primary focus of the Act appears to be concentrated on the health and disease control of beekeeping within Utah. Additionally, a county inspector is required to be appointed as “bee inspector” when five or more persons desire to raise bees. As to nuisance problems, the Act focuses on two issues; which are abandonment and/or storage of apiary equipment and the expectation of maintaining a gentle stock (*i.e. cannot intentionally maintain aggressive stock*).

<http://le.utah.gov/UtahCode/chapter.jsp?code=4>

Additionally, it appears from staff’s research that many of the other beekeeping techniques, for an urbanized area, come from university extension service programs and/or the experiences of many beekeeping clubs. As a result, other cities have or are adopting their own local beekeeping regulations, which seemingly are consistent with best management practices (*see attachment written by Danielle Downy, Utah State University & Salt Lake City’s Green Website Page*).

<http://utahpests.usu.edu/files/uploads/bees/bee-mgmt.pdf>

<http://www.slcgov.com/slc-green/slc-green-beekeeping-salt-lake-city>

Staff Position: The planning staff believes that the state statutes are focused chiefly on the process of keeping a healthy bee population and controlling related diseases rather than on the land use planning interests. Thus, staff believes that it is probably shortsighted to expect that the state and county can suitably manage a local land use conflict that may occur regarding the keeping of bees within the City (*see UDAF - FAQ sheet, Question 3, Statement #5*).

<http://ag.utah.gov/documents/BeekeepingFAQ.pdf>

PLANNING STAFF RECOMMENDATION

Staff Suggested Action - I hereby make a motion for the Planning Commission to **recommend DENIAL** of the proposed text amendments, as requested by the City Council.

Suggested reasons for the action:

- a. The Planning Commission finds that decisions regarding a legislative application are based on the “reasonably debatable” standard.
- b. The Planning Commission finds that there are no generalized or specific statements within the General Plan concerning the keeping and use of animals, including beekeeping, for private or commercial use.
- c. The Planning Commission finds that there is a public interest in establishing regulations relating to the use and keeping of animals that promotes the general welfare of the community.
- d. The Planning Commission finds that the proposed amendment regarding beekeeping is not consistent with previous legislative decisions, specifically concerning how animals and their associated elements are currently regulated within the City’s Zoning Ordinance. Such policies are summarized as follows:
 - i. *Animal Unit Allocation*
 - ii. *Animal Specialties*
 - iii. *Agricultural Business*
 - iv. *Stable, Private*
 - v. *Animals And Fowl For Recreation And Family-Food Production*

vi. *Household Pets*

- e. The Commission finds that the primary focus of Utah's Beekeeping Act appears to be concentrated on the health and disease control of beekeeping within Utah.
- f. The Planning Commission finds that it is probably shortsighted to expect that the state and county can suitably manage a local land use conflict that may occur regarding the keeping of bees within the City.
- g. The Planning Commission finds that many of the other beekeeping techniques, for an urbanized area, come from university extension service programs and/or the experiences of many beekeeping clubs, and not from state statutes.
- h. The Planning Commission finds that other cities have or are adopting their own local beekeeping regulations, which seemingly are consistent with best management practices, to address the needs and practices for allowing apiaries.

4-11-1. Short title.

This chapter shall be known and may be cited as the "Utah Bee Inspection Act."

Enacted by Chapter 2, 1979 General Session

4-11-2. Definitions.

As used in this chapter:

- (1) "Abandoned apiary" means any apiary:
 - (a) to which the owner or operator fails to give reasonable and adequate attention during a given year, with the result that the welfare of a neighboring colony is jeopardized; or
 - (b) that is not properly identified in accordance with this chapter.
- (2) "Apiary" means any place where one or more colonies of bees are located.
- (3) "Apiary equipment" means hives, supers, frames, veils, gloves, or other equipment used to handle or manipulate bees, honey, wax, or hives.
- (4) "Appliance" means any apparatus, tool, machine, or other device used to handle or manipulate bees, wax, honey, or hives.
- (5) "Bee" means the common honey bee, *Apis mellifera*, at any stage of development.
- (6) (a) "Beekeeper" means a person who keeps bees in order to:
 - (i) collect honey and beeswax;
 - (ii) pollinate crops; or
 - (iii) produce bees for sale to other beekeepers.
- (b) "Beekeeper" includes an apiarists.
- (7) "Colony" means an aggregation of bees in any type of hive that includes queens, workers, drones, or brood.
- (8) "Disease" means any disease or abnormal condition of the egg, larval, pupal, or adult stage of bee development.
- (9) "Hive" means a frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle that may be used to house bees.
- (10) "Package" means any number of bees in a bee-tight container, with or without a queen, and without comb.
- (11) "Parasite" means an organism that parasitizes any developmental stage of a bee.
- (12) "Pest" means an organism that:
 - (a) inflicts damage to a bee or bee colony directly or indirectly; or
 - (b) may damage apiary equipment in a manner that is likely to have an adverse affect on the health of the colony or an adjacent colony.
- (13) "Raise" means:
 - (a) to hold a colony of bees in a hive for the purpose of pollination, honey production, study, or similar purpose; and
 - (b) when the person holding a colony, holds the colony or a package of bees in the state for a period of time exceeding 30 days.
- (14) "Terminal disease" means a pest, parasite, or pathogen that will kill an occupant colony or subsequent colony on the same equipment.

Amended by Chapter 73, 2010 General Session

4-11-3. Department authorized to make and enforce rules.

The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce such rules as it considers necessary for the administration and enforcement of this chapter. Such rules shall include provisions for the identification of each apiary within the state.

Amended by Chapter 382, 2008 General Session

4-11-4. Bee raising -- Registration required -- Application -- Fees -- Renewal -- Wax-salvage plants -- License required -- Application -- Fees -- Renewal.

(1) (a) A person may not raise bees in this state without being registered with the department.

(b) Application for registration to raise bees shall be made to the department upon tangible or electronic forms prescribed and furnished by the department, within 30 days after the person:

(i) takes possession of the bees; or

(ii) moves the bees into the state.

(c) Nothing in Subsection (1)(b) limits the requirements of Section 4-11-11.

(d) An application in accordance with this chapter shall specify:

(i) the name and address of the applicant;

(ii) the number of bee colonies owned by the applicant at the time of the application that will be present in the state for a period exceeding 30 days; and

(iii) any other relevant information the department considers appropriate.

(e) Upon receipt of a proper application and payment of an annual registration fee determined by the department pursuant to Subsection 4-2-2(2), the commissioner shall issue a registration to the applicant valid through December 31 of the year in which the registration is issued, subject to suspension or revocation for cause.

(f) A bee registration is renewable for a period of one year upon the payment of an annual registration renewal fee as determined by the department pursuant to Subsection 4-2-2(2).

(g) Registration shall be renewed on or before December 31 of each year.

(2) (a) A person may not operate a wax-salvage plant without a license issued by the department.

(b) Application for a license to operate a wax-salvage plant shall be made to the department upon tangible or electronic forms prescribed and furnished by the department.

(c) The application shall specify such information as the department considers appropriate.

(d) Upon receipt of a proper application and payment of a license fee as determined by the department pursuant to Subsection 4-2-2(2), the commissioner, if satisfied that the convenience and necessity of the industry and the public will be served, shall issue a license entitling the applicant to operate a wax-salvage plant through December 31 of the year in which the license is issued, subject to suspension

or revocation for cause.

(e) A wax-salvage license is renewable for a period of one year, on or before December 31 of each year, upon the payment of an annual license renewal fee as determined by the department pursuant to Subsection 4-2-2(2).

Amended by Chapter 73, 2010 General Session

4-11-5. County bee inspector -- Appointment -- Termination -- Compensation.

(1) The county executive upon the petition of five or more persons who raise bees within the respective county shall, with the approval of the commissioner, appoint a qualified person to act as a bee inspector within the county.

(2) A county bee inspector shall be employed at the pleasure of the county executive and the commissioner, and is subject to termination of employment, with or without cause, at the instance of either.

(3) Compensation for the county bee inspector shall be fixed by the county legislative body.

(4) To be appointed a county bee inspector, a person shall demonstrate adequate training and knowledge related to this chapter, bee diseases, and pests.

(5) A record concerning bee inspection shall be kept by the county executive or commissioner.

(6) The county executive and the commissioner shall investigate a formal, written complaint against a county bee inspector.

(7) The department may authorize an inspection if:

- (a) a county bee inspector is not appointed; and
- (b) a conflict of interest arises with a county bee inspector.

Amended by Chapter 73, 2010 General Session

4-11-6. Hives to have removable frames -- Consent of county bee inspector to sell or transport diseased bees.

(1) A person may not house or keep bees in a hive unless it is equipped with movable frames to all its parts so that access to the hive can be had without difficulty.

(2) No person who owns or has possession of bees (whether queens or workers) with knowledge that they are infected with terminal disease, parasites, or pests, or with knowledge that they have been exposed to terminal disease, parasites, or pests, shall sell, barter, give away, or move the bees, colonies, or apiary equipment without the consent of the county bee inspector or the department.

Amended by Chapter 73, 2010 General Session

4-11-7. Inspector -- Duties -- Diseased apiaries -- Examination of diseased bees by department -- Election to transport bees to wax-salvage plant.

(1) The county bee inspector or the department shall inspect all apiaries within the county at least once each year and, also, inspect immediately any apiary within the county that is alleged in a written complaint to be severely diseased, parasitized, or

abandoned.

(2) If, upon inspection, the inspector determines that an apiary is diseased or parasitized, the inspector shall take the following action based on the severity of the disease or parasite present:

(a) prescribe the course of treatment that the owner or caretaker of the bees shall follow to eliminate the disease or parasite;

(b) personally, for the purpose of treatment approved by the department, take control of the afflicted bees, hives, combs, broods, honey, and equipment; or

(c) destroy the afflicted bees and, if necessary, their hives, combs, broods, honey, and all appliances that may have become infected.

(3) If, upon reinspection, the inspector determines that the responsible party has not executed the course of treatment prescribed by Subsection (2), the inspector may take immediate possession of the afflicted colony for control or destruction in accordance with Subsection (2)(b) or (c).

(4) (a) The owner of an apiary who is dissatisfied with the diagnosis or course of action proposed by an inspector under this section may, at the owner's expense, have the department examine the alleged diseased bees.

(b) The decision of the commissioner with respect to the condition of bees at the time of the examination is final and conclusive upon the owner and the inspector involved.

(5) The owner of a diseased apiary, notwithstanding the provisions of Subsections (2), (3), and (4), may elect under the direction of the county bee inspector to kill the diseased bees, seal their hives, and transport them to a licensed wax-salvage plant.

Amended by Chapter 73, 2010 General Session

4-11-8. County bee inspector -- Disinfection required before leaving apiary with diseased bees.

(1) Before leaving the premises of any apiary where disease exists, the county bee inspector, or any assistant, shall thoroughly disinfect any part of the inspector's own person, clothing, or any appliance that has come in contact with infected material.

(2) The method of disinfection required by Subsection (1):

(a) may be determined by the department; and

(b) shall be sufficient to destroy disease, parasites, and pathogens encountered.

(3) A county bee inspector shall maintain a record of each inspection, including disinfection practices.

(4) The county executive or the commissioner may review a county bee inspector's records kept in accordance with Subsection (3).

Amended by Chapter 73, 2010 General Session

4-11-9. Inspection of apiaries where queen bees raised for sale -- Honey from apiaries where queen bees raised for sale not to be used for candy for mailing cages unless boiled.

(1) (a) At least twice each summer the county bee inspector shall inspect each

apiary in which queen bees are raised for sale.

(b) A person may not sell or transport any queen bee from an apiary that is found to be infected with disease, without the consent of the county bee inspector or the department.

(2) No person engaged in raising queen bees for sale shall use any honey for making candy for mailing cages that has not been boiled for at least 30 minutes.

(3) A person rearing queens shall follow standard methods for minimizing or eliminating unmanageably aggressive stock.

Amended by Chapter 73, 2010 General Session

4-11-10. Enforcement -- Inspections authorized -- Warrants.

(1) The department and all county bee inspectors shall have access to all apiaries or places where bees, hives, and appliances are kept for the purpose of enforcing this chapter.

(2) If admittance is refused, the department, or the county bee inspector involved, may proceed immediately to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of making an inspection.

Amended by Chapter 73, 2010 General Session

4-11-11. Importation of bees or appliances into state -- Certification required -- Inspection discretionary -- Authority to require destruction or removal of diseased bees and appliances.

(1) (a) A person may not bring or import any bees in packages or hives or bring or import any used beekeeping equipment or appliances into this state, except after obtaining a certificate from an inspector authorized in the state of origin certifying that the bees, apiary equipment, or appliances have been inspected within the current production season, and that all diseased colonies in the apiary at the time of the inspection were destroyed or removed to a licensed wax-salvage plant before the issuance of the certificate.

(b) A person bringing or importing bees into the state shall advise the department of the address of the bees destination and furnish the department with a copy of the certificate of inspection either:

- (i) within at least five working days before the bees enter the state; or
- (ii) upon entry into the state.

(c) A person intending to hold bees in the state for a period of time exceeding 30 days shall comply with Section 4-11-4.

(2) (a) A person may not bring or import any used apiary equipment, except after obtaining a certificate from an inspector authorized in the state of origin certifying that all potentially pathogen-conductive apiary equipment or appliances are appropriately sterilized immediately before importation.

(b) A person bringing or importing used apiary equipment shall advise the department of the address of the destination in the state and furnish the department with a copy of the certificate of inspection either:

- (i) within at least five working days before the bees enter the state; or
- (ii) upon entry into the state.
- (3) Used apiary equipment or appliances that have been exposed to terminal disease may not be sold without the consent of the county bee inspector or the commissioner.
- (4) In lieu of Subsection (1), the certificate may be a Utah certificate.
- (5) (a) If the department determines it is necessary for any reason to inspect any bees, apiary equipment, or appliance upon arrival at a destination in this state, and upon this inspection finds terminal disease, the department shall cause all diseased colonies, appliances, and equipment to be either:
 - (i) destroyed immediately; or
 - (ii) removed from the state within 48 hours.
- (b) The costs under Subsection (5)(a)(i) or (ii) shall be paid by the person bringing the diseased colonies, appliances, or equipment into the state.

Amended by Chapter 73, 2010 General Session

4-11-12. Quarantine authorized.

The commissioner, in order to protect the bee industry of the state against bee health or management issues, may quarantine the entire state, an entire county, or any apiary or specific hive within the state, as the commissioner considers necessary.

Amended by Chapter 73, 2010 General Session

4-11-13. Unlawful acts specified.

It is unlawful for a person to:

- (1) extract honey in any place where bees can gain access either during or after the extraction process;
- (2) remove honey or wax, or attempt to salvage, or salvage any hives, apiary equipment, or appliances from a diseased colony, except in a licensed wax-salvage plant, unless specifically authorized by a county bee inspector or the commissioner;
- (3) maintain any neglected or abandoned hives, apiary equipment, or appliances other than in an enclosure that prohibits the entrance of bees;
- (4) raise bees without being registered with the department;
- (5) operate a wax-salvage plant without a license;
- (6) store an empty hive body, apiary equipment, or appliances in a manner that may propagate pests, disease, or bee feeding frenzy; or
- (7) knowingly sell a colony, apiary equipment, or appliances that are inoculated with terminal disease pathogens.

Amended by Chapter 73, 2010 General Session

4-11-14. Maintenance of abandoned apiary, equipment, or appliance -- Nuisance.

- (1) It is a public nuisance to keep or maintain an abandoned apiary, apiary equipment, or appliance other than in an enclosure that prohibits the entry of bees.

(2) Items listed in Subsection (1) are subject to seizure and destruction by the county bee inspector.

(3) Upon discovery of, or receipt of a written complaint concerning, an abandoned apiary site, apiary equipment, or appliance, the county bee inspector shall attempt to notify the registered owner, if any.

(4) (a) A registered owner notified under Subsection (3) shall remove the abandoned apiary, apiary equipment, or appliance or provide a bee-proof enclosure within 15 days.

(b) The county bee inspector or the department shall verify the removal or protection in accordance with Subsection (4)(a) at the expiration of the 15-day period.

(c) If a registered owner does not comply with Subsection (4)(a), the county bee inspector or the department may seize and destroy the abandoned apiary, apiary equipment, and appliances.

(5) A county bee inspector or the department may seize and destroy an abandoned apiary, apiary equipment, or appliances if the abandoned apiary, apiary equipment, or appliances do not indicate a registered owner.

Amended by Chapter 73, 2010 General Session

4-11-15. Wax-salvage operations -- County bee inspector to supervise compliance with rules -- Salvage procedures specified.

(1) All wax-salvage operations with respect to wax, hives, apiary equipment, and appliances that have been exposed to disease pathogens shall be performed under the direction and supervision of the county bee inspector according to procedures established by rules of the department.

(2) A wax salvage operation shall be conducted in an enclosure that is tightly double-screened to prevent the possible entrance of bees.

(3) Entrance to the enclosure shall be through a vestibule, double-screened in the same manner as the enclosure, with tight-fitting doors at each end.

(4) All boiling or melting of any noncontaminated apiary equipment, such as cappings, honey supers, hives, or frames shall be done in a bee tight enclosure.

Amended by Chapter 73, 2010 General Session

4-11-17. Maintaining gentle stock.

A beekeeper may not intentionally maintain an aggressive or unmanageable stock, whether African or European in origin.

Enacted by Chapter 73, 2010 General Session

Best Management Practices for Honey Bee Colonies: Good Neighbor Guidelines and Ordinances
Amended by: Danielle Downey

Introduction

Beekeeping is becoming increasingly popular in Utah. Utah currently has approximately 600 registered beekeepers, who manage ~30,000 honey bee colonies. Beekeeping provides honey for home consumption, pollination services for farmers, and general enjoyment for those who practice it. Despite the many benefits of honey bees and beekeeping, bees can sting people and require proper and responsible management so they do not become a nuisance to neighbors. Additionally, the discovery of the African honey bee in Utah places more pressure on beekeepers to properly maintain their colonies (for information about African honey bees, see: <http://ag.utah.gov/news/africanmainpage.html>)

This document is intended as a reference for proper honey bee management in Utah, with particular emphasis on siting apiaries in urban/suburban locations. It may serve as a guideline for local governments, a resource for information to reinforce community confidence in the safety of beekeeping, a standard reference should complaints or conflicts about beekeeping activities arise, and a compendium of best management practices that all Utah beekeepers are encouraged to follow.

It is intended that these Best Management Practices (BMPs) form a prescription for harmonious cooperation between beekeepers, neighbors, and landowners. The guidelines for bee colony management in these BMPs also constitute a standard that beekeepers operating in Utah may follow and could be recognized as such by apiarists, decision-making authorities, and the general public. Finally, in the case of ordinances enacted by local authorities, the BMPs provide a consistent approach for clarifying and resolving issues.

Definitions

As used in this document, the following words and terms have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

1. Apiary means the assembly of one or more colonies of bees at a single location.
2. Beekeeper means a person who owns or has charge of one or more colonies of bees.
3. Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.
4. Colony or Hive means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and, at times, many drones, brood (immature honey bees – eggs, larvae, pupae), combs, honey, and the receptacle inhabited by the bees.
5. Honey bee means all life stages of the common domestic honey bee, *Apis mellifera*.
6. Tract means a contiguous parcel of land under common ownership.
7. Undeveloped property means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term includes property developed exclusively as a street or highway or property used for commercial agricultural purposes.

Requirement to Register

People keeping bees (any number of colonies) in Utah are required by law to register with the Utah Department of Agriculture and Food (UDAF- <http://webapp.ag.utah.gov/LicenseLookup/>). Renewal forms are sent annually to previously registered beekeepers for return to the UDAF-Division of Plant Industry along with the appropriate annual fee specified in the fee schedule. For more information on registering bee colonies in Utah, see: <http://ag.utah.gov/licensing/documents/1201a.pdf>

Hive Type

All honey bee colonies should be kept in hives with removable frames. The hives should be kept in sound and usable condition.

Fencing of Flyways

In instances where colonies are situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper should establish and maintain a flyway barrier. The barrier should be at least 6 feet in height consisting of a solid wall, fence, dense vegetation or combination thereof and should run parallel to the property line. The barrier also should extend 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the apiary.

Water

Beekeepers should ensure that a convenient source of water is available to their bees so that the bees will not congregate at swimming pools, pet watering bowls, or other watering sources where they may contact humans, birds, or domestic pets. Some sources of water that beekeepers can provide include: (1) a tub of water with wood floats to prevent the bees from drowning, (2) a faucet in the apiary that is left to drip steadily, or (3) filling Boardman entrance feeders (quart jars with holes in the lids) with water and placing them on the colony(ies). If using tubs of water, the water should be changed periodically to avoid stagnation and mosquito breeding. Water must be provided between March 1 and October 31.

Robbing Behavior

When nectar is scarce, honey bees may rob honey from other hives. Under such conditions, beekeepers should work hives for only a very short time, if at all. Keep exposed honey or sugar water to a minimum and use entrance reducers to prevent robbing. **Honey extraction** must be done in a location and manner such that bees do not start this feeding frenzy.

General Maintenance

Each beekeeper should ensure that no bee comb or other materials are left on the grounds of the apiary site. Upon their removal from the hive, all such materials should be disposed of promptly in a sealed container or placed within a building or other bee-proof enclosure.

Africanized Honeybee in Utah

The Africanized Honeybee has been detected in Washington, Iron and Kane Counties but could be moved unknowingly from those areas to anywhere in the state. Thus it is recommended that all beekeepers follow these practices to minimize risk. Beekeepers are encouraged to follow Utah's

Best Management Practices for Maintaining European Honey Bee Colonies.

1. Beekeepers shall maintain a valid registration with UDAF.
2. A Utah apiary may be deemed as EHB (European Honey Bee) with a minimum 10% random survey of colonies using the FABIS (Fast African Bee Identification System), the computer-assisted morphometric procedure, ie. Universal System for the Detection of Africanized Honey Bees (AHB) (USDA-ID), and/or other methods approved by UDAF on a yearly basis as requested.
3. Honey bee colony divisions or splits should be queened with production queens or queen cells from EHB breeder queens following "Best Management Practices for Producing Honey Bee Queens in Utah".
4. Utah beekeepers are discouraged from collecting swarms that cannot be immediately re-queened with queens acquired from EHB queen producers.
5. Utah beekeepers should practice good swarm prevention techniques to prevent an abundance of virgin queens and their ready mating with available AHB drones that carry the defensive trait.
6. Maintain all EHB colonies in a strong, healthy, populous condition to discourage usurpation (take over) swarms of AHB.
7. Do not allow any weak or empty colonies to exist in an apiary, as they may be attractive to AHB swarms.
8. In areas known to host AHB, recommend re-queening with European stock every six months unless using marked or clipped queens and having in possession a bill of sale from an EHB Queen Producer.
9. In areas known to host AHB, immediately re-queen with a European queen if previously installed clipped or marked queen is missing.
10. In areas known to host AHB, maintain one European drone source colony (250 square inches of drone comb/colony = both sides of 1 deep frame) for every 10 colonies in order to reduce supercedure queens mating with AHB drones.
11. Treat all honey bees with respect.

Queens

All colonies should be maintained with marked queens produced by breeders following "Best Management Practices for Producing Honey Bee Queens in Florida" or similar best management practices. When a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper should re-queen the colony with another marked queen.

Apiary Identification and Location

In addition to the State of Utah Apiary Inspection Law regarding identification of honey bee hives the beekeeper should conspicuously post a sign setting forth his/her name, phone number, and/or license number.

The beekeeper should be the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. If the beekeeper does not own the land, written permission to keep bees there is required.

To protect public safety and reduce beekeeping liability, apiaries should not be sited in proximity to tethered or confined animals, students, the elderly, general public, drivers on public roadways, or visitors where animal/bee and people/bee interactions may have a higher likelihood of occurring.

Inspection

Each Utah Apiary should be inspected and a report issued by an authorized representative of UDAF at such intervals as UDAF deems best for detection of honey bee pests and unwanted races of honey bees.

Selected References

**This document adapted from Florida Department of Agriculture and Consumer Services
Document prepared by Jerry Hayes and Jamie Ellis.**

O'Malley MK, Ellis JD, Neal AS. (2007). African honey bee information for school administrators. *EDIS*. ENY-141. <http://edis.ifas.ufl.edu/IN739> (December 2007).

Ellis JD, Ellis Amanda. (2009). African Honey Bee, Africanized Honey Bee, Killer Bee, *Apis mellifera scutellata*, Lepeletier (Insecta: Hymenoptera: Apidea). *EDIS*. EENY-429. http://edis.ifas.ufl.edu/document_in790 (February 2009).

Best Management Practices for Maintaining European Honey Bee Colonies. FDACS-DPI. <http://www.doacs.state.fl.us/pi/plantinsp/apiary/apiary.html>

Best Management Practices for Producing Honey Bee Queens in Florida. FDACS-DPI. <http://www.doacs.state.fl.us/pi/plantinsp/apiary/apiary.html>



SLC Green - Beekeeping in Salt Lake City

Salt Lake City has made changes to city ordinances to relax restrictions and allow residential beekeeping. Residential bees benefit our community in a variety of ways while providing a sustainable, healthy and fun source of food.

Over the past 50 years domesticated bee populations have decreased by 50%. These animals are critical in our food production because of the pollination services they provide. Pollination by bees alone is responsible for 15-30% of the food eaten in the United States. Concerns about "killer" bees led to a ban on beekeeping in Salt Lake City in the 1980s, however, domestic strains of honeybees have been selectively bred for their gentleness and can be safely kept in populated areas with proper maintenance.

Finally, raising bees at home can help reconnect the divide that has been created between the American diet and food production. Playing a larger role in the production of the food on your table will help foster a greater understanding of and appreciation for what you eat.



Conditions for Residential Beekeeping

- Beekeeper must be registered with the Utah Department of Agriculture
- Hives must be in side or rear yard
- Bees permitted: common Honeybee (*Apis mellifera*) at any stage of its life, excluding the African Honeybee (*Apis mellifera scutellata*) and any hybrids
- Hives must have removeable frames
- Hives must be five (5) feet from property line
- Bees must have easy access to water on owner's property
- Hives must be placed so that general flight patterns avoid contact with humans and domestic animals
- Hive must be maintained according to Utah Bee Inspection Act

Beekeeping Ordinance (http://www.slcdocs.com/slcgreen/Beekeeping_ORDINANCE.pdf)

Apply for a Permit

All those interested in keeping bees must apply for a license through the Utah Department of Agriculture.

Permit Application (<http://ag.utah.gov/documents/1201a.pdf>)



Report a Swarm

Report a swarm to the Utah Beekeepers Association (<http://www.utahbeekeepers.com/UBA%20Swarm%20Page.html>)

Beekeeping: some frequently asked questions



Is a license necessary to keep honeybees?

Yes. Even if you only have one hive, you must register with the Utah Department of Agriculture and Food (UDAF) within 30 days of receiving your bees.

Why should I register my bees?

It is crucial that your beekeeping registration is kept current to **protect the health of your bees**. American foulbrood (AFB) is a highly contagious and devastating disease that is in Utah; UDAF has no way of warning beekeepers about outbreaks of this disease if they are not registered. Registered beekeepers also receive complementary health surveys, information about honeybee health and best management practices, and will be warned about movements of Africanized honeybees in the state.

What else is required?

- ⇒ Your beekeeping license number should be prominently displayed in the apiary (i.e. painting the number on a hive box with a stencil).
- ⇒ Unused equipment and tools should be stored in a bee-proof location.
- ⇒ Honey can only be extracted in a bee-proof location.
- ⇒ The county bee inspector or a UDAF apiary specialist may inspect your hive once a year.
- ⇒ Your city or county may have additional requirements or prohibit beekeeping altogether. Contact your local government for more information.

**Please see the Utah Bee Inspection Act for all regulations*

How do I protect my bees from disease?

- ⇒ Keep your registration current. UDAF alerts registered beekeepers when there are outbreaks of AFB or other health issues.
- ⇒ Know the signs and symptoms of AFB and European foulbrood (EFB). Examine your brood comb for these diseases during inspections.
- ⇒ Never share equipment or hive tools with another beekeeper unless you are certain they are free from disease or have been sterilized.
- ⇒ When purchasing bees request the seller provide a health certificate from the state of origin.

How do I protect my bees from varroa mites?

Make management decisions based on mite population levels. Measure your mite presence with a sticky screen, ether roll or powdered sugar roll. Don't let your mite load exceed 5% of the colony's population (or 5 mites for every 100 bees).

What if I think my colonies are diseased?

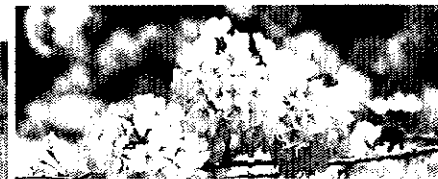
If you believe you have AFB or EFB contact your county bee inspector or UDAF for a complementary health survey. We can provide testing services and treatment options. See the next page for contact information.

How do I get more information?

Our website has information about disease prevention and diagnosis and best management practices.

Please visit:

<http://ag.utah.gov/plants-pests/beekeeping.html>





County Bee Inspectors

Bee inspectors are available to assist beekeepers in Utah. Contact your county bee inspector or UDAF Apiary Program with questions or concerns. If your county does not have a bee inspector, you are welcome to contact an inspector from a neighboring county.

County	Name	Phone	Email
Box Elder	Martin James	(435) 760-0805	martin@slideridgehoney.com
Cache	Martin James	(435) 760-0805	martin@slideridgehoney.com
Davis	Roman Frazier	(561) 801-6321	rfa358515@bellsouth.net
Duschene	Steve Yack	(435) 823-6153	Yack3YYY@yahoo.com
Grand	Jerry Shue	(435) 260-8581	shue.jerry@gmail.com
Iron	Blaine Nay	(435) 590-7569	blaine@nay.org
Millard	Gary Dutson	(435) 864-4844	
Salt Lake	Chris Rodesch	(801) 633-6589	chrisrodesch@gmail.com
Sanpete	John Scott	(435) 283-9457	scottjg@ldschurch.org
Tooele	Kelly Keele	(435) 830-3888	
Utah (north)	Neil Shelley	(801) 822-4114	neil@utahcountybeekeepers.org
Utah (south)	Charles Siglar	(801) 794-2586	swarm@utahcountybeekeepers.org
Washington	Casey Loffthouse	(435) 467-2787	cblofty@cpaz.net
Weber	Brock Lenox	(801) 444-9220	brlenox@gmail.com



UDAF Apiary Program

UDAF offers complementary health survey and testing services for AFB, EFB, nosema, and tracheal mites. If you are interested in any of these services, please contact:

Clint Burfitt

Apiary Program Manager

(801) 538-7184

cburfitt@utah.gov



CENTERVILLE CITY COUNCIL

Staff Backup Report 5/14/2014

Item No. 6.

Short Title: Community Development Director's Report 051414

Initiated By: Community Development Director

Scheduled Time: 8:50

SUBJECT

The next Planning Commission Meeting scheduled for May 28, 2014. Items scheduled are as follows: Echelon Motors CUP to sell cars in Tumbleweed Condo's; Youngblood Amended Site Plan

RECOMMENDATION

BACKGROUND