

ROY CITY PLANNING COMMISSION

September 14, 2010

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on September 14, 2010, at 6:00 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Tom Stonehocker, Chairman
Blake Hamilton
Lee Holt
Gennie Kirch
Bill Merx
Rhett Zito

Tony Reynolds, Community and
Economic Development Director
Jared Hall, Planner
Michelle Drago, Secretary

Excused: Roy Watts

Others present were: Councilman Willard Cragun; Elizabeth Brown; and Rachel Trotter.

Pledge of Allegiance: Rhett Zito

1. APPROVAL OF AUGUST 24, 2010, MINUTES

Commissioner Merx moved to approve the minutes of August 24, 2010, as corrected. Commissioner Holt seconded the motion. Commission members Hamilton, Holt, Kirch, Merx, Stonehocker, and Zito voted "aye." The motion carried.

2. DISCUSSION REGARDING EXPANDING DOMESTIC LIVESTOCK AND FOWL USERS TO THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

Tony Reynolds, Community and Economic Development Director, stated that the City Council had asked the planning staff and Planning Commission to consider changes to the Zoning Ordinance regarding domestic livestock and fowl in zones other than RE-20. The staff usually received about four requests a year for animals in single-family residential zones. Recently a family inquired about keeping bees. They were told that bees were only allowed in RE-20 Zones. They spoke with their neighbors and Councilman Cragun. Councilman Cragun asked that the Council look at expanding the Zoning Ordinance.

Jared Hall stated that some ordinances refer to the keeping of bees or beehives as an apiary. In Roy City, the RE-20 Zone was the only zone in which domestic livestock and fowl were allowed. Beehives were considered domestic livestock. Five hives could be kept on a 20,000 square foot lot as a permitted use. The single family residential zones being discussed were R-1-15, R-1-10, R-1-8, and R-1-6. The only livestock being discussed were bees. For purposes of discussion, Staff proposed the following restrictions if bees were to be considered in single family residential zones:

- Allowed as a Conditional Use
- Only available on lots of at least 10,000 square feet in size
- only one hive/colony
- must be at least 35 feet from any dwelling on an adjacent lot
- located in a rear yard, not a side yard, or a side on a corner lot
- must be 15 feet from a property line
- licensed through State Department of Agriculture
- must maintain a fresh water source from March through October
- yard area must be secured by fencing.

Mr. Hall stated that nuisance problems were amplified when livestock was kept in smaller areas. The conditions proposed by the staff were ways to help lessen the impact. Salt Lake City recently amended its ordinances to allow beehives in single family residential zones without regard to lot size. The staff had heard rumors that the amendment wasn't working so well. The staff was also concerned about keeping things simple for administration purposes.

Commissioner Hamilton asked if there had been studies done about the proposed distances. Mr. Hall said the distances suggested by the staff were based on practices proven to mitigate impacts generally, not on specific studies. The requirements for fresh water and fencing to encourage higher flyways were based on common bee-keeping practices. Most honey bees' flight paths could be influenced with the use of a 6-foot fence. The proposed conditions were the staff's attempt to put a fairly complex method of animal husbandry into zoning terms.

Commissioner Hamilton asked how many ordinances the staff had looked at that allowed bees in single family residential zones. Mr. Hall said there weren't very many. The majority of ordinances the staff looked at restricted bees to agricultural zones. Roy City allowed beehives in the RE-20 Zone, but did not have specific restrictions. If apiaries were introduced into single family residential zones, the staff felt there needed to be restrictions. Salt Lake's ordinance did not deal with distances and separation, or require a minimum lot size. Staff felt both those considerations were lacking and wanted them included in the discussion at Roy.

Commissioner Holt asked who would interpret or determine the size of a single hive/colony. Someone would could have a hive 15 feet tall. He asked if the proposed conditions meant that any lot over 20,000 square feet could have five hives as a permitted use, but a lot between 10,000 to 19,999 square feet could have one hive as a conditional use. Mr. Hall said that was correct. He wasn't concerned about language regarding the size of the hive. It was not practical for one hive to get too large. If it was too large the bees began to die.

Commissioner Holt asked if the ordinance change would open up litigation for other animals on smaller lots. Mr. Hall said it might open the door for other petitioners to ask for amendments to the ordinance.

Commissioner Holt asked how the City would manage fowl water.

Commissioner Hamilton asked about Salt Lake's problems. Mr. Hall said the staff had just heard rumors. It had made inquiries, but had not heard back from Salt Lake staff.

Commissioner Zito asked how difficult it was to obtain a permit from the State. Mr. Hall said it wasn't hard. One only had to fill out an application and pay a small fee. There were only about 200 formal beekeepers in the State of Utah.

Commissioner Merx stated that he lived on a 10,000 square foot lot. He felt it would be difficult to put a hive on his property and comply with the restrictions proposed by the staff. Mr. Hall didn't want to make hives available for every 10,000 square foot lot. If a property owner could meet the restrictions, the staff probably wouldn't hear from the neighbors. Staff felt generally that the petitioners should want the hives badly enough to make adjustments.

Commissioner Merx asked if someone could make a profit with one hive. Mr. Hall said one hive would be a hobby. If a beekeeper wanted to be profitable, he needed to be in an RE-20 Zone. Staff felt it would be un-wise to make the potential impacts to any potential profitability a City concern.

Commissioner Kirch felt the distance from the property line should be 12 feet rather than 15.

Tony Reynolds stated that there wasn't a lot of information available because other communities restricted bees to half acre properties or larger. Mr. Hall stated that late in 2009 there seemed to be increased interest in "urban livestock" among the different communities. The only local city that eventually added bees to the regulations for single-family zones was Salt Lake.

Commissioner Merx stated that twenty years ago, the LDS Church had a number of beehives. The hives were moved around throughout the summer. All of the hives were kept in the agricultural areas.

Commissioner Holt asked if this use could dovetail into a home occupation license. Mr. Hall said it could not. A home occupation had to be conducted entirely inside of a home, not a garage or yard space.

Michelle Drago stated that she lived in an RE-20 Zone. Her neighbor used to have bees. He didn't anymore because the Weber County Health Department told him he could not sell his honey unless it was processed in a health approved kitchen. A property owner with only one hive probably wouldn't want the time or expense involved in building a kitchen to meet the Health Department's guidelines.

Commissioner Kirch stated that a property owner would have to be dedicated to enjoy this particular hobby. She asked to be excused at 6:25 p.m.

Commissioner Merx asked if there was a large demand from residents for this use. Mr. Hall said there were a few requests in 2009 and the family mentioned by Mr. Reynolds.

Commissioner Holt asked if the City had received a petition from the family mentioned by Mr. Reynolds. Mr. Hall said the discussion of a possible amendment was based on Council direction.

Commissioner Holt was concerned that this would open Pandora's Box on domestic livestock.

3. DISCUSSION REGARDING INSTALLATION AND MAINTENANCE REQUIREMENTS FOR RESIDENTIAL LANDSCAPING

Jared Hall stated that there had been interest in amending the Zoning Ordinance to include residential maintenance requirements. Commercial projects were required to maintain their landscaping. The current ordinance did not deal with residential properties. If weeds were taller than six inches, the ordinance required property owners to mow them. However, if a property owner kept their weeds under six inches, the City could not do anything. The City Council had directed the staff to look at the ordinance. The staff felt there was a simple way to address the problem. The current definition of landscaping was: "Materials and treatments that include naturally growing elements such as grass, trees, shrubs, and flowers. Landscaping may also include the use of rocks, fountains, benches, and contouring of the earth." Landscaping maintenance was not included in the City's current list of nuisances. The staff proposed that something similar to the following be added to the list of declared nuisances: "Any landscaping setback areas which lack appropriate turf or plant materials so as to cause excessive dust, allow the accumulation

of debris, or to cause significant depreciated values of adjacent or neighborhood properties.”

The staff also proposed to add language to Section 1020 of the Zoning Ordinance about installation of landscaping in areas other than the front yard within a certain time frame, such as eighteen months. Language about maintenance would also need to be added.

Commissioner Holt stated that Roy City was just about built out. In larger developments, landscaping was part of the home purchase package. The developer made sure it was put in. How did the staff propose to handle ‘used’ homes? Thirty-five percent (35%) of homes currently for sale were foreclosures. The recovery time for a foreclosure was 2 to 5 years. The City would be fighting this kind of problem for some time.

Jared Hall agreed that ‘used’ homes needed a different trigger than new development.

Commissioner Hamilton suggested that the terminology in the landscaping definition be the same as that in the nuisance list and Section 1020. The language should mirror each other.

Commissioner Merx stated that during the winter months vehicles were prohibited from parking on public streets. In doing so, the City inadvertently encouraged people to park in their front yards where they were destroying their own property. In the spring, the grass was gone. He felt the staff needed to marry the two different issues.

Commissioner Hamilton felt the proposed changes were a good idea. However, some of the language proposed by the staff would be hard to quantify, such as depreciating property values. Commissioner Holt said FHA had language about exterior landscaping in their appraisals. All banks and financial institutions had a property management arm.

Jared Hall stated that the staff would have to find a way to differentiate between foreclosures and homeowners who did not care.

4. STAFF UPDATE

Jared Hall stated that three public hearings were scheduled for September 28th - a conditional use, a subdivision amendment, and a text amendment.

5. ADJOURN

Commissioner Holt moved to adjourn at 6:42 p.m. Commissioner Hamilton seconded the motion. Commission members Hamilton, Holt, Merx, Stonehocker, and Zito voted “aye.” The motion carried.

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Tom Stonehocker
Chairman

Attest:



Michelle Drago
Secretary
dc:psep1410