

PUBLIC HEARING AND PLANNING COMMISSION MEETING

Thursday, November 17, 2011 6:00 p.m.

Public Safety Building

3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Cliff Chandler, Chair Presiding  
Commission Members: Craig Clement, Donald Steele, Glenn Dodge, Daniel Zappala (6:15 p.m.)  
Greg Robinson, Assistant City Manager  
Brad Kearl, Chief Building Official  
Courtney Hammond, City Meeting Transcriber  
Others: Jared Osmond, Roman Frazier, Ken Kirk, Robert Chesworth, Sam Winfeimmer, Ryan Wood, Brandon Dire, Karissa Neely – Daily Herald

PLANNING COMMISSION MEETING

1. This meeting of the Planning Commission of the City of Cedar Hills, having been properly noticed, was called to order 6:02 p.m. by C. Chandler.
2. Public Comment (6:02 p.m.)

No comments.

PUBLIC HEARING(S)

3. Concept/Preliminary Plan for Bridgestone, Plat C, Located at Approximately 4500 West and 9400 North (6:03 p.m.)

Robert Chesworth: My name is Robert Chesworth, and I am the president of the HOA Board of Directors for Bridgestone. I would like to speak about the proposed build out of plat C of Bridgestone by Perry Homes. First of all, I would like to say that the Board of Directors has reviewed the designs proposed by Perry Homes and approved them. We have gone over them and reviewed them carefully over a period of time. Just a word about Perry Homes, they have done some services to us which represents their sincere interest in the project. They have twice mowed the weeds that are prevalent—or caused them to be mowed—that are prevalent on our area that is not built out yet. There was another thing that troubled me when I purchased my home. Opposite our home in the vacant lot is a foundation, which was not built out. And that foundation represented a very serious attractive nuisance being right adjacent to the elementary school. We brought this to the attention of Perry Homes, and they caused that that foundation should be fenced. It is no longer an attractive nuisance. There could have been some very serious problems with young people who like to go over there and jump off of heights and so on. The other thing I'd like to comment on is the quality of the homes built by Perry Homes. If you go up the road to the LDS Temple and turn left at the 4-way stop, and go a short distance, you will see Temple Ridge, which is a development of Perry Homes. We have also been up there and inspected the quality of the homes built, and were very favorably impressed. The alternative to proceeding with plat C at this time is a lot full of weeds in perpetuity. So we are definitely in favor of the project going forward.

4. Amendments to the City Code, Title 10, Regarding Apiaries (Bee Keeping) (6:07 p.m.)

Ken Kirk: Mr. Chairman and Commissioners let me first express my deep appreciation for your work here on this Commission. Over the last four years, I have been on the City Council; your time and efforts have saved us many, many hours in time and research. Recommendations you make are very, very sound recommendations and we take them very seriously and appreciate the hard work you have done, especially on controversial issues that come before you and sometimes come back to you for additional recommendations from the Council. I've been involved in those and I appreciate your hard work. Discussing beekeeping, I've been in beekeeping for 40 years with my father and my younger brother. We currently have three hives that we run. We do it as a hobby, as a family. It's a great hobby. I think anybody that gets into it and looks at how apiary colonies function; there is a lesson to be learned. There is no accident to having our state symbol be a beehive. It indicates industry, hard work, organization, and community relations. I am for residential beehives in our city with conditions. Having lived with bees for many years, I have lost hives from pesticides. There is a certain time of year you have to spray pesticides on fruit trees. If you do it too late, when you can already see the blossoms come out, the bees are already on those blossoms also. They'll take those pesticides back to the hive, and they'll kill the bees. Foul brood is a big problem and it spreads like wildfire through other hives. So, current hive owners, if you have beehives in the residential area and they spread disease to the other hives, it can be a total disaster for those of us who have managed them for years. Sam from the Utah County Beekeepers Association is going to probably follow me here and probably has more and better information about that. The restriction I was thinking of is: I would not discourage anyone from getting into this hobby or this production for bees because it's so interesting and it's productive. This last year from the three hives, we got 87 pounds of honey. That equates to just about two 5-gallon buckets full of honey for my family and my brother's family, and we spread it around to some of the neighbors. It's enjoyable, it's fun, and it's good tasting. I want to say that the restriction that I would like to see put on this is perhaps some training. If you get someone off the street and they go and buy a package of bees from Jones Bee Company in Salt Lake, and they put them in the backyard and don't know how to manage them and medicate them and how to be a neighbor to the other hives in the area, it can be dangerous. That certification is up to, you know if you gentleman recommend and perhaps Sam has some recommendation to make. I was thinking maybe the Utah Valley Beekeepers Association could have a training, which they do have. But perhaps a card that says they have been trained by that organization to understand the basics of keeping bees and present that to the zoning official from our city, Mr. Brad Kearn that would authorize them to have a hive or something similar to that. And if not that then perhaps a certificate from a well-established hive owner. According to law, if you have bees you must register with the department of agriculture with the state of Utah. Anybody that has that certification probably has managed bees for awhile. I could even see a certification or signature on the form provided by the city that says that I have received some training in hives from Mr. So and So that has a certification from the Department of Agriculture from the State of Utah. But to just go out and say randomly "do it," I think it is a little bit dangerous for a couple of reasons, and I'm talking about self preservation for my hives. I moved them from Pleasant Grove last year to a fantastic orchard in Alpine because all three hives were wiped out the year before last because of pesticides. Right across the fence was a residential area, and they sprayed their trees in early spring when the blossoms came out and killed all three of my hives. It's not pleasant. It is very expensive. I've had foul brood where we had to take the

hives out and we had to burn them out in the west desert because it spreads like wildfire. It's kind of like the apiary plague. You don't want it. There is a lot of work involved. There is a lot of management involved, but it's fun. It's great. I would recommend the City do that with those restrictions.

Sam Winfeimmer: I live in Orem, Utah. I have been in beekeeping just over three years. I am currently the elected president for the Utah County Beekeepers Association. I would concur that people should be trained, whether it's from us or an experienced beekeeper, or there are various groups around the valley that co-train. Now, the certificate thing is nice, but it is up to you. I would encourage any type of training. The purpose of our association is to educate the cities, management, things like that for future laws which we should have as a means to help an individual have the hobby, to be self provident, to be able to grow their own product. The reason I got into it was four-eight years ago I had fruit trees, and I could see every year that there were less bees coming, and they were hardly getting pollinated, along with my garden. At the time I didn't know what the City of Orem law was, so I found out later on that I was breaking law. We got that changed this year. Now my fruit trees have anywhere from five times to ten times more fruit than what they had with prior pollination. There are other insects, other types of bees that pollinate to some degree, but not like the honeybee does for us as a user. There are some other types. There are people that raise mason bee. They put them in a block of wood and there are holes. They are not quite a mess like honeybees. They don't extract honey, they are only for pollination. Some people raise those. I wouldn't necessarily restrict it to honeybees, but I can see why you may do that just because of understanding and things like that. We have worked with Provo City, Orem, and some of the other bee keepers have worked with some other places up in Salt Lake and other areas. Salt Lake just passed it last year. Provo just passed it earlier this year. Orem just did this fall. If you want to look at something, there are some really nice basic requirements here. We like that. But I think there can be some things added. The Department of Agriculture and the top entomologist has recommended a best practice for flight-ways and things like that, which we have incorporated into some of the other regulations for the other cities. It is an added protection to the people. It kind of forces bees to go in a given direction. It makes them go up. Bees when they go off are generally up 15 feet after a short distance. But they can go back or into your neighbors' back yard right next door. But, it kind of forces the traffic that way. Or a fence, a chain link fence, they are not going to fly through a chain link fence because they are horrible flyers. You watch a honeybee fly. Many people are afraid of bee stings. I have never been happy to be stung, but I have a neighbor in our neighborhood who says they are allergic. Everyone is allergic. I asked her what type of insect stung her. We showed her pictures, and the picture she chose is a wasp. I have never been stung in my own yard from a honey bee. I've been stung by wasps and hornets. People can be stung by honeybees. They are generally real passive. We have a beginner beekeeping thing for kids that are less than 17 to 8 years old. Through an essay thing, we give away training and an actual hive with a package of bees and some basic protection gear that they use. And we train them how to take care of hives. The average beekeeper in the United States is about 60 years old. We are trying to involve the younger folk too so they learn how to do it. There are byproducts, whether they use it themselves, they may have honey to sell at the local swap meet or farmers market type thing. There are wax products. Those are all benefits for myself, for you, and your neighbors. I know that when I put the hives in I've told the immediate neighbors to find out if it's fine. The one family that was a block away kind of freaked out. So the neighbors, the kids whenever they walked by our house they walked across the street. Whether that did any good, I don't think so because the bees are generally

flying all over the place, and they have not been bothered by them. I like the provisions that you have there. They should be maintained according to inspection, that's important. They should be marked with the name, address, telephone number and state registration number. And that's an annual fee that people pay. It's renewable, first of the year every year. They should have that in case there are problems. Provo City and Salt Lake have followed the Utah Department Food and Agriculture. They said five beehives per lot. That is up to you. I think you guys are basically leaning towards two. Orem has done a gradual one where lots from R5 through R8, they will let you have up to two hives, anything above up to a half acre they have five, and anything above a half acre they would have five, unless you live in an agricultural area which is kind of governed by the state. A question is how well you manage, if there is a problem, how well you as a city manage that problem. Is there going to be a penalty? Salt Lake, Orem, and Provo have on theirs a misdemeanor citation, but talking to Provo, they will first of all give it to the local neighborhood representative to talk to the beekeeper. If they can't work it out with the neighbors and the beekeepers there, then the city will come in and remove it and give you a certain period of time. Hopefully things can be worked out before it goes to a city type thing. The other thing is that when we have bees, normally beekeepers lose 1/3 to half their bees during the winter months. A nice reason to have two or more hives is beekeepers do a split. It usually takes a couple months for splits to grow strong enough. They are usually kept in a yard or close to a location that you can manage and take care of them until they are strong enough that you can put them out at some other location. Orem City has worked it out in their law; they say that if you are above this amount you have up to 60 days particularly for splits on your hives to remove that once they are strong enough. Whatever your limit for your size lot is, whether it's 5, 2, 10, whatever it might be. I know that many people may not have bees in their yards. Some people want their neighbor—my neighbor wants bees in their yard, so they may call for a hive to put in their yard. Beekeeping is not just done by the local resident, who's the manager of it. Joe Smith may ask somebody from outside to come in and put bees in. We are technically an agriculture area which has bloomed into cities. We have been a big orchard area and agricultural area, so we have grown with bees and beekeeping. And of course, Mr. Kirk said that is our symbol. It is an interesting thing to watch. I enjoy watching it. It is a relaxing thing. One other thing, you generally see beekeepers anywhere from full suits to actually where there is nothing. I prefer a little bit. I know of an individual, one of our girls that we have in the beginning beekeepers association, I have a picture which I was going to bring, but old man's disease, I forgot. She is standing there, which I don't recommend in shorts, flip-flops, long hair, short-sleeve shirt, she is standing next to her hive, she opens up her hive, is working her hive, and the bees are not bothering her. It's just the smell of her or something. Bees sometimes don't like me for doing that. We do offer training through the association. We also have had education booths at your city fair or city day or whatever it is here at Cedar Hills. We've had them at Pleasant Grove, and we do it at Utah County, and we also do it at the Utah State Fair. We put on education; and if you ever have questions or anything, we'd be glad to answer them, or we'd be glad to do a presentation to the City Council for further information. We've done that to other cities. We love beekeeping. We think everyone should have a chance. There are only a select few that may be beekeepers after a period of time. They love beekeeping but hate taking care of the honey. I would really look at Salt Lake City or something like that or Orem City's law so you don't recreate everything from scratch. It's something that we feel comfortable with. Of course, bigger is more powerful. We'd like more, but we just want beekeeping.

Ryan Wood: I have been keeping bees about three years also, and I've really got into it. I live on a third acre. We have a good size garden, but you still can't get everything you want out of that garden. We wanted to maximize what we were getting, so I started looking into bees. I got really interested in it and realized how important bees are to our food supply and everything else. My wife was a little nervous because we have two little girls, seven and four. I talked her into letting my dad have it first. He started with it. My girls were deathly afraid, and now they are just fine. They go out and watch them. Anyway, I've really gained an appreciation for it. I've realized how beneficial they are and how much fun it is. It's kind of addicting; you have to be careful. But anyway, I would highly recommend it. I think it does need to be taken care of. You've got to be careful with what you do. Make sure the neighbors are okay with it and work with them. I also like the training programs. One thing I might add would be kind of a mentorship. Maybe there is a list of people here in Cedar Hills who would be willing to mentor. I'd love to teach people about them. They would probably get tired of me telling them about them. I would support letting us have splits at least for a temp time. That way you can increase apiary, whether it's in your yard or someone else's.

Roman Frazier: We currently run and operate 1200 hives from Ogden to Provo. We are members of the Utah Beekeepers Association, and we are also licensed with the Department of Agriculture. We are mainly in the commercial pollinating, and also the extraction of honey and local pollinating. We pollinate for local orchards up in Mountain Green, Farmington, Alpine, here in Cedar Hills, and other areas. We run and operate currently 40 apiaries all up and down from here to Ogden, and the one thing that I would—the training and mentoring and all of that is great. It would help any new beekeepers from some of the initial pitfalls and learning curve. It would help alleviate some of the learning curve of beekeeping. I myself am a third generation beekeeper. So a lot of that has just been instilled in me. The number of hives, if you limit it to four or eight hives per yard; we generally run 20–30 hives per apiary. We monitor that based on what an area can handle, what the honey flow is for that area, and what the bees bring in per hive, because we don't want to over saturate any area with bees. But in the meantime we want to make sure there is adequate pollinating for any mile radius. We go by every mile, and how many bees there are per mile. We don't know of every hive in the area, but we do know generally anyone that has apiaries around. And we also monitor those in placing our hives. So that would cause a potential problem if you have a maximum of four or six hives. We have had up to 40 hives in Cedar Hills. Today we pulled 35 hives out of our apiaries in Cedar Hills and are getting them ready for transport to California. That would be my one point of concern is limiting. One thing we brought up with the city of Alpine was maybe considering a qualification of commercial beekeeper, or you qualify based on this criteria that you know what you are doing, that you can manage your hive, medicate your hive, you're responsible, and you do monitor and all of that. The city knows where your hives are, and you are now classified as a different type, or a commercial type of beekeeper, so they know you are not just a hobby beekeeper, which maybe they are allowed four or six or eight hives. Commercial is a different consideration. That was one thing that Alpine considered in looking and working with us. We have had bees in Alpine for over 30 year. And they didn't want us to yank all of our hives out of Alpine just because they created a new ordinance. Most of them were unaware we had hives there that long. That is what I would recommend. Give careful consideration to limiting or inadvertently affecting the bees that are currently pollinating in your city.

5. Amendment to the City Code, Title 10, Regarding Assisted Living Group Homes (6:31 p.m.)

No comments.

C. Zappala was recognized as a voting member.

#### SCHEDULED ITEMS

6. Approval of Minutes from the October 27, 2011, Public Hearing and Regular Planning Commission Meeting (6:31 p.m.)

**MOTION: C. Dodge - To approve the minutes from the last meeting.** Seconded by C. Zappala.

Yes - C. Chandler  
C. Clement  
C. Dodge  
C. Steele  
C. Zappala Motion passes.

**MOTION C. Steele - To move item 8 and 9 ahead of item 7.** Seconded by C. Clement.

Yes - C. Chandler  
C. Clement  
C. Dodge  
C. Steele  
C. Zappala Motion passes.

8. Review/Recommendation on the Concept/Preliminary for Bridgestone, Plat C (6:34 p.m.)

See handouts.

#### Staff Presentation:

Greg Robinson stated that David Bunker reviewed the plans. He made a list of items that need to be addressed.

Brandon Dire of Perry Homes stated that the back wall is planned as stucco. The back wall is not a smooth wall, and it would be easy to add some definition to the units by changing stucco colors. He suggested that a balcony on some units may break up the units.

#### Commission Discussion:

- C. Steele stated that the development is very linear. From the north it almost looks like a commercial building. The front façade is linear, and he would like to see it broken up. He would like to see continuity between this plat and the materials on the existing buildings. There is no turnaround area for the last unit.
- C. Dodge stated that he feels like the façade looks like a row of apartments. Different roof levels may make it more attractive without compromising the inside design. The back façade bothers him as well. He would like it to be designed in such a way that it doesn't look like an eight-plex.

- C. Zappala stated that he would like to see the design provide for pedestrian access. A good home has a way to walk out the front door without walking into a parking lot.
- C. Clement stated that he does not share the concerns that other commissioners have expressed. The back wall can be broken up with vegetation. The HOA approved this design.

**MOTION: C. Zappala - To recommend preliminary approval to Bridgestone Plat C, contingent on the following: All plat references shall be to Bridgestone Plat C. Sanitary sewer grades shall be a minimum of 0.4% for 8-inch mains. The first leg of sewer should meet minimum design standards. A minimum five-foot horizontal separation of water and sewer laterals. Storm water infiltration rates exceed soil capacity; should re-submit drainage calculations. Drainage calculations shall include parking areas. Parking areas shall have a designated off-site drainage facility. Curb and gutter on 4500 West shall be replaced with approved cross gutter for parking areas. Street lights shall be dark sky and directionally shielded. The plan should show pressurized irrigation connections. The design should include an improved turn-around in the drive isle. Sidewalks shall be in a dedicated right of way. Parking shall be privately maintained and outside of the right of way. The landscaping plan shall show the location of trees on the north side of the building. The plan shall also show trees both deciduous and conifers to shield building views. Connections to the sidewalk at each unit entrance are needed. Design changes should be made to deemphasize the apartment look on the front and rear of the building, improve pedestrian access, and improve materials and colors to break up the appearance of the rear walls.** Seconded by C. Steele.

Yes	-	C. Chandler	
		C. Clement	
		C. Dodge	
		C. Steele	
		C. Zappala	Motion passes.

9. Review/Recommendation on Apiaries (7:00 p.m.)

See handouts.

Staff Presentation:

Brad Kearl stated that there is currently no ordinance to regulate bee keeping. He believes the City should provide a communal location for bee keeping. He recommended the open area at the end of Cottage Cove. It is about an acre of flat city-owned land. There is a fair distance between the area and the nearest home. His only concern with bee keeping is oversaturation. He likes the idea of requiring mentoring and training, particularly if there is a communal area. The current nuisance ordinance would cover neighbor complaints. The intent of this ordinance is for hobbyists, and not for commercial production.

Commission Discussion:

- C. Clement stated that the Commission should look at Provo, Salt Lake, and Orem ordinances. It sounds like they have done a lot of legwork, and they include things not in this proposal. The Commission should consider an exemption for commercial. If training is required, the ordinance needs to specify what kind of training.

- C. Zappala stated that Orem’s ordinance includes a provision for nuisance to neighbors. He would make the following changes to the proposal: Include a subheading of “Hobby Bee Keepers,” and double all the number of hives, allowing bee keepers to exceed the hive limit while doing splits.
- C. Steele stated that he is excited to be considering this type of ordinance. He doesn’t want to make it too bulky that people don’t consider bee keeping. The location for a possible communal area seems ideal with a canal and many local orchards. He is concerned that a communal area would have to be maintained by the City. The ordinance should allow splits. He would like to see a section on arbitration.
- C. Dodge stated that he is in favor of allowing it. He is just concerned with properly controlling it.
- C. Chandler stated that the Cottage Cove property seems to be an ideal area for a communal area but is concerned that there may be some city liability because it is city property. He does not want to over regulate beekeeping. He wants to cover the bases, but nothing more.

**MOTION: C. Zappala - To recommend approval to the City Council to add a definition for hobby bee keepers to Title 10-2-1 and add requirements to Title 10-5 for an apiary in the City Code with the requirements shall be as follows: change 2 and 4 to 4 and 8.** Seconded by C. Dodge.

Further Discussion:

- C. Zappala stated that he did not mention a communal area. His preference was to address that at a later time, if desired.

Yes - C. Chandler  
 C. Clement  
 C. Dodge  
 C. Steele  
 C. Zappala Motion passes.

**MOTION: C. Zappala - To consider item 10 at this time.** Seconded by C. Dodge.

Yes - C. Chandler  
 C. Clement  
 C. Dodge  
 C. Steele  
 C. Zappala Motion passes.

10. Review/Recommendation Assisted Living Group Homes (7:40 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that the proposed ordinance is similar to Orem City. It proposes that the Chief Building Official would oversee these applications. ADA requirements are not specifically enumerated in the ordinance because they are covered in State code and will be checked for in inspection. Orem limits the number of residents to 8; the request in Cedar Hills is for 16

residents, which is a reasonable request given the size of the building. The state sets the maximum number of residents at 16 before being bumped up into a more commercial category. He thinks an additional impact fee should be charged for these types of facilities. He also recommended a fee for the Chief Building Official to review these facilities, which is included in the building permit. He suggested a minimum square footage for rooms and a total minimum square footage for the facility to determine the number of allowed occupants.

Jared Osmond stated that he feels like the number of residents allowed should be based on the design. He would recommend not dropping to less than a 150 square-foot room for a single occupant and not less than 200 square feet for a shared room.

Commission Discussion:

- C. Steele stated that the zoning will need to be changed, but he is concerned about spot zoning.
- C. Dodge stated that he drove by the facility, and feels that it is do-able.
- C. Zappala stated that he would add up to 16 people and sections on impact and review fees.

**MOTION: C. Zappala - To recommend to the City Council to approve the assisted living facility ordinance as outlined with a change to allow for up to 16 resident with approval of the building and zoning board with that approval contingent on having adequate living space per resident and common areas based on individual units and total square footage as well as provisions for an appropriate impact fee.** Seconded by C. Dodge.

Further Discussion:

- C. Dodge and C. Zappala both stated that they would recommend not less than 150 square feet for an individual room and 200 square feet for a shared room.

**AMEND MOTION: C. Zappala - To change “building and zoning board” to read “chief building official.”** Accepted and seconded by C. Dodge.

Yes - C. Chandler  
C. Clement  
C. Dodge  
C. Steele  
C. Zappala Motion passes.

7. Review/Recommendation Regarding Amendment to the City Code 10-6A, Planned Commercial Development Projects, and the Guidelines for the Design and Review of Planned Commercial Development Projects (8:16 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that this proposal is based on discussed changes over the last few meetings. There is an absolute limit of six months on a temporary permit. This ordinance could be placed in Chapter 5, Supplementary Development Standards or 10-4E, the zoning requirements for the Shopping Center Zone.

**MOTION: C. Zappala - To recommend to the City Council to approve the amendments to City Code 10-6A, Planned Commercial Projects and the Guidelines for the Design and Review of Planned Commercial Development projects and to add them to 10-4E, to add section 4 temporary uses as shown with the minor change to 9k to add “to” between “public” and “enter,” strike parentheses about fee schedule, but make recommendation to City Council to make changes to the fee schedule.** Seconded by C. Clement

Yes - C. Chandler  
C. Clement  
C. Dodge  
C. Steele  
C. Zappala Motion passes.

11. Review/Action on 2012 Meeting Schedule (8:33 p.m.)

**MOTION: C. Steele - To approve the Planning Commission schedule for 2012 as stated.** Seconded by C. Dodge.

Yes - C. Chandler  
C. Clement  
C. Dodge  
C. Steele  
No - C. Zappala Motion passes.

12. Committee Assignments and Reports (8:37 p.m.)

Greg Robinson reported that Perry Homes may be ready to move forward before the next meeting. There may be a special meeting called in December.

ADJOURNMENT

13. Adjourn

This meeting was adjourned at 8:40 p.m. on a motion by C. Chandler, seconded by C. Zappala, and unanimously approved.

Approved by Commission:  
January 26, 2012

/s/ Kim E. Holindrake  
Kim E. Holindrake, City Recorder