

Evan Winkler

From: Peterson, Dorn W - petersdw <petersdw@jmu.edu>
Sent: Monday, March 18, 2024 6:30 PM
To: Evan Winkler
Subject: Harrisonburg beekeeping ordinance

WARNING: External email. Be cautious when clicking on links or opening attachments.

Dear Mr. Winkler

I served as a Harrisonburg City Councilman from 2000-2004. I have been a beekeeper for 10 years. I live in the city but a large part of my residential lot is in the county and that happens to be where I have my beehives, so I never looked into what the Harrisonburg regulations are.

I do believe that city residents should be allowed to keep at least a small number (4-6) of hives in the city. Most beekeepers will want to be able to have more than 1-2 because they need the ability to raise new hives during the summer to make up for winter losses. Nationwide 30-40% of hives die during the winter. Perhaps any regulations might encourage the propagation of new hives by not counting or having a separate limit on "small" (say 20 frames or less) hives.

Other than the obvious benefits to the people keeping the bees there is at least one benefit, often overlooked, to the rest of the inhabitants. There are already many feral hives that have taken up residence in attics and walls in Harrisonburg. I know this because I've collected many bee swarms inside the city limits over the last 10 years. Local beekeepers will often set out trap hives that will catch such swarms before they invade the walls of somebody's house. That is much preferable to the homeowner having to pay hundreds of dollars to have them removed.

If I can help in any way with your research on this topic, please let me know.

Dorn Peterson
1822 Smithland Rd.
540 433 8231

Evan Winkler

From: Heather Denny <hmd22846@gmail.com>
Sent: Monday, March 18, 2024 7:42 PM
To: Evan Winkler
Subject: Beekeeping in harrisonburg

WARNING: External email. Be cautious when clicking on links or opening attachments.

Dear Evan,

As a citizen of harrisonburg city I highly recommend the city be open and friendly to honeybees. It should be allowed, and encouraged, as long as beekeepers act responsibly. The city website is fairly vague on the issue, as it currently stands. I would encourage an open forum on this topic. Also, education, from Tom Knapp, and other local bee experts could offer the city council insights on benefits of this special insect.

Heather Denny

Apr 12

Harrisonburg Bee Ordinance

Petition

ATTENTION : Evan Winkler

We; the undersigned support changing the proposed ordinance in favor of keeping honey bees in the city

Eli E. Miller	911 Circle Dr
Drene A. Miller	" " "
Karen Moore	" " "
Martha Clemes	147 Elmwood Dr Harrisonburg, VA
Amali Bodd	912 Circle Dr Harrisonburg
Quinn Roberts	908 Circle Dr Harrisonburg
Rebecca Roberts	908 Circle Dr Harrisonburg
Norma L. Pidans	906 Circle Dr Harrisonburg
Susan Swift	903 Circle Dr Harrisonburg
CURT LASTER	901 Circle Dr Harrisonburg
Sue McDonald	901 Circle Dr Harrisonburg
Dudra Carter	900 E. Sunrise
Panayotis Giannakopoulos	905 Circle Dr Harrisonburg
DIETRIKH MAUNE	910 Turkey Run Rd Harrisonburg
Abra R. Hutson	910 Turkey Run Rd
IAN Zink	950 Turkey Run Rd 22801
TOM KNAPP	945 TURKEY RUN Rd Harrisonburg
Ben Jans	419 Neyland Drive

Harrisonburg Bee Ordinance

Petition

ATTENTION : Evan Winkler

We; the undersigned support changing the proposed ordinance in favor of keeping honey bees in the city

- 1 Mary Hairston Pooland Dr. Harrisonburg, VA
- 2 Jocelyn L.R. Cook North of emu, Harrisonburg, VA
- 3 Eli Pine 1457 Chapin St NW, Washington, DC
- 4 Emma Rose MacArthur Blvd Washington DC
- 5 Shuler B. MELTON PAUL ST, Harrisonburg, VA
- 6 Alyssa Port Republic Rd, Hburg, VA
- 7 Bob #125 Rushville Rd Dayton 22821
- 8 Genelle 350 Sunrise Ave Hburg 22801
- 9 Tom Oliver 6033 Scotts Ford Rd Crawford
- 10 Jay Oliver 6033 Scotts Ford Rd Mt. Crawford
- 11 Scott 15799 N. MARKET RD BROADWAY VA
- 12 PATRICK Ramirez HARRISBURG VA
- 13 Carmen Burkhoff Staunton, VA
- 14 Abella 1700 N. Market St Leesburg
- 15 Theresa Bugg Harrisonburg, VA
- 16 Janna Sun Linville, VA
- 17 Jackie Dun Sanchar, Harrisonburg VA
- 18 Karin Andrade Harrisonburg, VA
- 19 Caroline Rose Harrisonburg, VA
- 20 Julie Logan Harrisonburg, VA
- 21 Chris NEW MARKET, VA

Harrisonburg Bee Ordinance

Petition

ATTENTION : Evan Winkler

We; the undersigned support changing the proposed ordinance in favor of keeping honey bees in the city

Malek Alkai, Sterling, VA, 46881 Hollow Mountain Pl

Ann Toliver, Staunton, VA

Nadina Pusic, Grottoes VA

12 Maria Alonso, Harrisonburg, VA

13 Reem Mohammadi, Harrisonburg, VA

14 Kwestan Abdelmoham, Harrisonburg, VA

Nancy Resendiz, 4140 N. Bridgewater, VA

15 Erick Manroy, Harrisonburg, VA

Sue Budman, Roanoke VA

16 Daniela Valdes Alvarez, Harrisonburg, VA

17 Taylor Chandler, Harrisonburg, VA

18 Kathy Kutz, Harrisonburg VA

19 Drew Morrison, Harrisonburg, VA

20 Jeff Lee, 4156 Hilltop Rd, Harrisonburg VA

21 ~~Abigail~~, Harrisonburg, VA

~~Shepherd~~ Jamiah Shepard, Richmond, VA 23224

22 ~~Paul~~, Harrisonburg, VA

Paul Fumblason - Troutville, VA

23 DANA HARSBERGER, HARRISONBURG VA

24 John Youngdahl, Harrisonburg VA

Harrisonburg Bee Ordinance

Petition

ATTENTION : Evan Winkler

We; the undersigned support changing the proposed ordinance in favor of keeping honey bees in the city

David L. Hamlin	970 Circle Drive
R. Tim Munnsmith	781 Circle Drive
Paul A. Reynolds	733 Circle Drive
Marcus J. Farole	733 Circle Drive
Denise K. Alexander	745 Circle Drive
Steve G. HERSHOLT	741 " "
Erin Manning	1028 Chestnut Dr.
Elyse Wray	930 Turkey Run Rd.
Constance Probst	906 Circle Dr.

Subject **Re: Bees**
From [REDACTED]
To <evan.winkler@harrisonburgva.gov>
Date 2024-04-03 15:07



Dear Mr. Winkler,

A better handling of the application and fee, which could still lead to criminalization as written, might be as a way to certify that the applicant either meets specified best practices or contributes to community supported beekeeping -- a fee for actual service, as opposed to a fine for doing something inherently beneficial.

So, changing as "must" to a "may" and shifting to the Public Works where the beekeeping expertise resides:

Sec. 10-3-220. – Permit Requirements.

(1) Persons wishing to keep honeybees pursuant to this subsection may file an application to register and certify their operation with the Department of Public Works, which application shall include:

a. Completed application form.
b. A site layout showing the location of the beehives, water source, flyway barrier (if required), and dwelling in proximity to the property lines.
The sketch must show dimensions and setbacks.

c. Information or drawing(s) of flyway barrier (if required) and water source, including dimensions.

d. A twenty-five-dollar (\$25.00) application fee.

(2) Once the application has been approved by the Department of Public Works a permit shall be issued and is valid for one (1) year.

(3) Each existing permit shall be renewed annually by filing a renewal application with the Department of Public Works along with the payment of a twenty-five dollar (\$25.00) annual fee.

(4) The \$25.00 annual fee may be waived if the applicant submits annually updated contact information to be publicized identifying the applicant as a community beekeeping support volunteer.

Yard signs could be made up so people can identify their bee-keeping bee-friendly properties, programs could be held for registered users, and more. The consequence of not paying or registering would result in not getting these benefits, and no other consequences.

-Panayotis Giannakouros, Ph.D.

On 2024-04-03 14:19, [REDACTED] wrote:

Dear Mr. Winkler,

Thank you for your time today. Based on our conversation, I would suggest you considers revising the bee ordinance to read as follows:

Beehive: A human-made accessory structure constructed and maintained to house a single colony of honeybees.

Colony: A community of honeybees which includes a queen with worker bees and drone bees.

Flyway: The flight path honeybees take, entering and exiting a beehive.

Swarm: Honeybee colony that has outgrown its beehive, becomes too congested or too populated; therefore, a portion of the honeybees leave to form a new colony.

The remainder of Section 10-3-24 is reaffirmed and reenacted in its entirety,

Enact Article FF – Urban honeybees

Sec. 10-3-219.– Construction, number, placement, and maintenance of beehives.

(1) Construction and maintenance of beehives for the purpose of keeping honeybees is allowed as an accessory use on any occupied lot.

Sec. 10-3-220. – Permit Requirements.

(1) Persons wishing to keep honeybees pursuant to this subsection must file an application with the Department of Community Development, which application shall include:

- a. Completed application form.
- b. A site layout showing the location of the beehives, water source, flyway barrier (if required), and primary dwelling in proximity to the property lines. The sketch must show dimensions and setbacks.
- c. Information or drawing(s) of flyway barrier (if required) and water source, including dimensions.
- d. A twenty-five-dollar (\$25.00) application fee.

(2) Once the application has been approved by the Department of Community Development a permit shall be issued and is valid for one (1) year.

(3) Each existing permit shall be renewed annually by filing a renewal application with the Department of Community Development along with the payment of a twenty-five dollar (\$25.00) annual fee.

(4) The \$25.00 annual fee shall be waived if the applicant agrees to have updated contact information publicized as a volunteer member of the beekeeping support community.

For the definition of beekeeping, consider the first google hit on a definition:

"Beekeeping, care and management of colonies of honeybees. They are kept for their honey and other products or their services as pollinators of fruit and vegetable blossoms or as a hobby."
<https://www.britannica.com/topic/beekeeping>

The actual sufficient definition is: "the care and management of colonies of honeybees."

I recommend compiling the rest of what we discussed (that I'll get to you when I have a chance to process it) into a resource package to be shared with applicants and to maintained and administered by the Mike Hott and his pollinator and outreach team in Public Works in cooperation with the volunteer beekeeping support community, building on what they currently do with the annual Pollinators in Your Back Yard event.

–Panayotis Giannakouros, Ph.D.

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1. The Goal of the Bee Ordinance.

1.1. Origin

Q: Is there something like a client, who brought the ordinance into being?

A: I don't know specific names, but the administration have been getting some feedback on interest in folks keeping back their honeybees. You may or may not be aware, but that we consider them currently as agriculture, which is not a permitted use in the city. So, technically, anybody who's currently keeping honeybees is likely in violation of the zoning code.

So, with that, the administration asked if we could put together a working group and look at some best practices for how other communities in Virginia and elsewhere are regulating these things.

Q: Okay, so the ordinance was then, would you say, initiated by the administration, rather than by constituents coming to ask for the ordinance?

A: That's hard, because in one sense, it came from constituents, but I don't know those names... It would be from the administration, they asked zoning to kind of take a look at some of these things.

Q: Okay, and by administration, you mean the city manager's office [...]?

A: Correct.

1.2. Drafters

Q: And then the working group that you mentioned, you are presumably a part of that, when was that convened and is that a well-defined body?

A: It's not a well-defined body. It's obviously zoning staff represented from the city manager's office as well as animal control and some folks from like the sustainability office.

Q: So zoning city manager, animal control sustainability office, is there any involvement from public works or not?

A: I would say no.

1.3. Goal

Q: **What would you say is the goal of the ordinance?**

A: **To allow folks to keep backyard honey bees.**

Q: That sounds pretty clear in your mind. Okay.

2. Text of the Bee Ordinance.

Q: Before I get to that, you say that bees are considered agricultural and would therefore be in violation of the zoning ordinance. Are bees specifically mentioned anywhere in the code that you're aware of off the top of your head?

A: Yeah, it's keeping honey bees specifically, not just bees generally. But then also, I'm not aware of where, they're definitely not in the zoning code. I don't know all other city ordinances to know if they're placed elsewhere, but because we have a permissive zoning code listing things that are permitted, as opposed to some communities may list uses that are not permitted and it's presumed that all other uses that are permitted. That's why currently they're regulated as something that is not permitted.

2.1. That Section 10-3-24 Definitions is amended to add as shown:.

2.1.1. \Beehive:

A man-made accessory structure constructed and maintained to house a single colony of honeybees for the purpose of promoting pollination of plants and harvesting of honey.

Q: You might want to say human made accessory structure. You might want to proactively look at the gender there.

Q: What if somebody was keeping a beehive solely for the purposes of pollinating plants? Is the "and" an appropriate conjunction, an intentional conjunction there?

A: It would be both. It's not an "or."

2.1.2. \Colony

is a community of bees, which includes a queen with worker bees and drone bees.

2.1.3. \Flyway

is the flight path honey bees take entering and exiting a beehive.

2.1.4. \Swarm

is a honey bee colony that has overgrown its beehive, becoming too congested or too populated. Therefore, a portion of the honey bees leave to form a new colony.

The remainder of Section 10-3-24 is reaffirmed and reenacted in its entirety, except as hereby modified.

2.2. Be it ordained by the city council of Harrisonberg that enact article FF urban honey bees.

2.2.1. Sec. 10-3-219.- Construction, number, placement, and maintenance of beehives.

1. (1)

Construction and maintenance of beehives for the purpose of keeping honeybees is allowed as an accessory use on any lot occupied by a single-family detached dwelling, subject to the regulations set forth in this Article.

Q: The first number is "construction and maintenance of beehives for the purpose of keeping honey bees is allowed as an accessory use on any lot."

And if we placed a period right there, that would have attained the stated goal of the ordinance. Is that right?

A: Are you insinuating that occupied by a single family detached dwelling subject to regulations that forth would be removed?

Q: I put the question for the logic and then on the basis of that and in light of the goal, then we can examine the remaining pieces of the ordinance and see what they actually do. Does that make sense?

So if I put a period there with respect to the stated goal, would the goal have been achieved at that point?

A: Sure.

Q: I mean, just to think about, right?

A: Yeah, sure. The difficulty with that, though, I feel like it's also insinuating that maybe there's only one way to achieve the goal. Yeah, but yes, I will make a note of that. Yeah.

Q: So then as you think about it now in this light, if we go to occupied by a single family detached dwelling, that is actually a restriction on keeping bees rather than permission to keep bees.

A: Yes. Well, I mean, that's zoning, right? It's both permission and restriction.

Q: And so then we could ask what the intent, what the origin and intent of the single family detached restriction would be?

A: Yes. And so the origin of that would be the protection of both people and the beehive.

Q: And have there been, as we go back to the origin of the ordinance, have there been stakeholders who have come forward requesting that, expressing that concern?

A: Yes. So some of the beekeepers that were part of the conversation said that it would be a wise practice to limit it to single family detached dwelling because of the ability to control the safety of the beehives as well as, you know, safety of neighbors.

Q: So the, as far as we can see an origin there, it was people who have or maybe people who are currently holding bees. They proactively offered this as a best practice.

A: Correct.

Q: And then we have "subject to the regulations set forth in this article for the remainder." Number two, then brings us to density for keeping bees. So once again, this section is a restriction.

A: Correct.

Q: And the same question there, where, what's the origin, what constituency or stakeholders came forward with this request?

A: Again, this was part of our working group and looking at what some other communities were doing. Some other places would do it by acres, but, in Harrisonburg, we don't have a lot of parcels that are in large acres. And so in our most restrictive zoning classification, 10,000 square feet is what's required for a single family dwelling. So **we wanted to ensure that folks in our most restrictive district would be permitted to have bees**, which is kind of like a jumping off point for us then. We considered two be hives, again, because this is what some other communities were doing, but also because, and I apologize, I'm learning about honeybees, but I'm not a apiarist. So it's my understanding that you have to separate them for the health of the hives. So folks would be like, you would have to be able to have **at least** two hives in order to keep a healthy bee colony for yourself. Some of the feedback we have gotten though since releasing this is a couple other folks have requested maybe more than the minimum allowed. So that will definitely be taken into consideration as we kind of provide the four potential planning commission.

Q: We heard that there was concern expressed that people may need to keep more. So it looks like an "at least condition" is what maybe initially motivated this guidance.

A: Oh, yeah, I think that's correct. Yeah, we need, yeah, we need at least as much. Correct.

Q: So then when we when we scale to the larger lots, I suppose there could be an interaction between if let's say you had 1000 acres, and you had one hive at one end and another hive at another end. That might defeat the purpose of having the minimum and then you wouldn't really have a keeping of bees, for example, right.

Is that the thinking in scaling up the numbers as we scale the areas. What was the thinking? I get the thinking about the two. That's an at least. How about the other numbers?

A: I think the scaling there is presuming that 10,000 square feet is a reasonable number for two. The next category, essentially, by, you know, you double two hives, and then you have four hives and you would need double that amount of land. So I think that was kind of the thinking around that.

Q: Are we stepping by 10,000s approximately, not exactly right? We're scaling less than linear.

A: Some of this came from conversions of other, like, again, looking at other municipalities and how they broke up land distribution, but not everybody's using square feet. So it was like, you know, creating conversions that were reasonable and approximate.

Q: So to be permissive, which is the one compelling reason that we've come forward with, the entire table might benefit from an at least.

And then you might want to think about if then the 2 really is "at least" in the sense of that definition of you actually are keepingf bees, as opposed to you have one sparse colony next to another sparse colony that isn't really succeeding in your apiological goal.

A: Yeah, maybe.

Q: Recapping what we've covered so far: we've accumulated two best practices informed by maybe outside beekeeping expertise we got one for part one, with concern for the health of the bees, and then in section two, we've got what it takes to viably be keeping bees. So these are two best practices, it sounds like.

A: Yeah. Right.

1. b)

For the purposes of subsection (a), the temporary housing of a swarm for no more than 30 days from the date the swarm was acquired shall not count toward the maximum number of beehives on the lot.

Q: So now we've got a tension between the "at least," which is consistent with the goal. We now have the introduction of an idea of a maximum that has experienced tension on a couple of dimensions. It experienced tension already in the description of two for 10,000 and less. And now it's in tension with these 30 days.

Where does the 30 days come from? What's the thinking there again same same question as the other two.

A: Yeah, 30 days. That's a good question. I'd have to go back to maybe some meeting minutes, which I don't have in front of me right now. Yeah. This section generally speaking is to address swarms, which will and do happen. And so we weren't looking to penalize folks who may have a swarm on their lot. We just wanted to ensure, you know, that they had time to call somebody. Typically, I believe the Shenandoah Valley Association has a list of names of people who will collect the swarm. And so we just wanted to ensure there wasn't like a panelization for folks that had a swarm on that property.

Q: Swarms will naturally happen. People have had bees in their attic, for example, they didn't mean for them to come there. And then we have people like some friendly neighbors who will say, Hey, I know how to keep bees. I'll take that off your hands and incorporate them in a way that they are not then pests in the sense of beneficial animals that are in a place where they are not not intended.

A: Right.

Q: So what we've got in these 30 days now is now there is a penalty. So if somebody's got bees in their attic for more than 30 days, they now through kind of no fault of their own, through having been chosen by the bees, they now have to do something with them.

So this so this introduces a new kind of ordinance, which is a penalty for bees coming onto your property.

A: Well, I mean, it could be framed that way.

Q: But the letter actually says here "for the purpose such as the temporary housing of a swarm." So now, and then on the other side of that, we've got the friendly person who came in and is a beekeeper and added them to their minimum number of bees. So now we've got an inconsistency with number two. And we've got that part B, we've got that maximum starting to bind. So now somebody who helps their neighbor with unwanted bees, by turning them into wanted bees, that person now has to hand off that hot potato somehow within 30 days. Is that correct? So what's going to happen if that hot potato, if you're, if you're 10 beekeepers, three of whom are willing to take the hot potato. What happens after what, 90 days? The excess colony has to be destroyed. So you're saying if somebody passes it on and then they get a 30 day pass as written, as we look at the letter.

A: I mean, most likely a beehive would not survive that.

Q: So we're looking at essentially a swarm must be destroyed within 30 days, functionally. If we actually look at what's written.

A: I mean, I think that's a mischaracterization.

Q: Well, we're just crossing T's and dotting I's here and seeing how this could be interpreted or misinterpreted.

A: I see. Yeah. Yeah, I mean, I'll ask that question. It doesn't hurt to ask. I think practically speaking, though, folks who are keeping bees that are both inside and outside of the city, potentially a swarm would be covered and relocated by, many of these people who are part of the association that can help remove a swarm are outside of the city. And so they wouldn't fall under this jurisdiction of this kind of like, like hot potato scenario you mentioned.

Q: That's a good point. So there would be two options to the hot potato one, destroy it, or throw it over the fence into the county. So, whether that's the intent or not, that would be a consistent logical reading of what's actually written here. And of course, if we went back to the "at least", then there then the hot potato problem would be solved.

It says the following "limits on the number", so this is "at most" currently as written. "Limits" makes it at most. So it's contradicting the stated goal that you first described as the language actually is at the moment.

A: how you would read it if it was "at least"?

Q: I would take out limits on the numbers. I would strike that. Then it would read "the following number of bee hives is the minimum."

The key thing is to remove limits and then change the sentence so that it reflects that these are minimums, at least two, at least four, at least six. If that was done, then the part B section would be in conflict with maximum, "maximum number" would be taken out, would be unnecessary. And with regard to the 30 days, then the whole thing, the entirety of part B drops out. And you get a cleaner, more efficient piece of code, if that's the intent. You get one that is then aligned with the original permissive goal.

A: I understand wanting to be permissive as opposed to a restrictive approach, but I don't know that it changes actually how many be hives you can have on a site. That's the part I'm still unclear about.

Q: If part two was rewritten to mean that two is the minimum number you need in order to be actually keeping bees, so it would almost fit into the definitions section, and that that's a definition of beekeeping. You said earlier people had approached you saying that two might not be enough on 10,000 or less. They might have in mind, for example, a need for a backup hive or a satellite hive or some thing that the knowledgeable beekeeping people know, or split one into two pieces or who knows. If that was now a minimum, they could take a swarm and make it a hive on their property. And it would be no problem. And we don't have advice so far in what we've described of beekeeping stakeholders, saying that there should be a maximum.

A: Oh, I see.

Q: And if there's no maximum, then you solve the hot potato problem.

A: Yes.

Q: Okay, so I hope you don't mind this painstaking analysis. This is what Planning Commission should do, but Planning Commission doesn't always do this. So that's why I'm doing this with you.

A: Okay.

Q: So, we've got a basic logic there that if we were running this consistently we could potentially solve the hot potato problem. And we've got a potential that maybe the intent here is a minimum language and any discussion of the three on a lot didn't make it into being codified for some reason,

maybe a good reason, in part because that would be inconsistent with being permissive and would actually be a restriction, which would be outside of the original scope, potentially. But here's some consistent logic for you anyway.

2. (2)

Density requirements for keeping beehives.

1. a)

The following limits on the number of beehives permitted on a lot shall apply: PROPERTY in Sq. Ft. BEEHIVES 10,000 or less 2 Greater than > 10,000 up to 30,000 4 Greater than > 30,000 up to 50,000 6 Greater than > 50,000 up to 90,000 8 Greater than > 90,000 No restriction

2. b)

For the purposes of subsection (a), the temporary housing of a swarm for no more than 30 days from the date the swarm was acquired shall not count toward the maximum number of beehives on the lot.

3. (3) Requirements for the location and maintenance of beehives.

Q: And we lead in here with again requirements.

1. A)

beehives shall be no closer than 10 feet from property lines.

Q: What is the current setback requirement on auxiliary structures? Is that five feet or 10 feet?

A: Five feet, five feet.

Q: So what's the thinking on increasing the setback for this kind of auxiliary structure?

A: To ensure the flyway isn't encroach on a neighbor's property.

Q: Okay. And same question again, what's the origin, what stakeholders brought this forward?

A: This was part of our conversations with some of the bee experts and again just looking at what other communities were doing and how to deal with concerns from neighbors of like, you know, unwanted honey bees on their property.

Q: Have any of those stakeholders, neighbors not keeping bees, have any of those come forward with that concern?

A: I have not gotten many much feedback from folks who are, maybe this is the one you're asking, but I haven't heard much in the way of folks who are opposed to keeping beehives.

Q: So, not only have we not heard from neighbors worried about the flyway encroaching, we've not heard much in opposition at all, so that stakeholder group is maybe not.

A: Yeah, it's not.

Q: So if anything, it would be a proactive restriction.

2. B)

"bee hives and all related materials shall be located only in the rear yard."

Q: Talk to me about that one.

A: Yeah, I mean, again, it's presumed that neighbors general public mailman delivery drivers are not accessing folks rear yard and either feeling intimidated by the bees or interfering with the bees which would then be problematic for the bee hives.

Q: There's one aspect of protecting a group that hasn't expressed a concern. And there's another aspect of protecting the beekeeper.

A: Correct.

Q: And in terms of who who brought forward this suggestion, which stakeholders brought this forward?

A: I mean, I think this is part of our collective looking at research and talking with beekeepers.

Q: So be keepers said they shouldn't be in the front yard.

A: I don't recollect specifically who said or brought this practice forward.

Q: Could this be an aesthetic concern with "it's strange to do something different in your front yard"?

A: I personally don't think it was discussed in that manner. ... I don't remember talking about the aesthetic.

Q: So from your perspective, that's not a motivation behind the writing. That's not something intended in the in the writing here. Correct.

3. C)

flyway barrier shall be required when bees are 25 feet or closer to a property line.

Q: and then we have the specifications of a flyway barrier so almost to the end here. Same question. What's the, what stakeholders brought this forward?

A: Again, it was this working group of beekeepers and city staff and administration. Again, looking at what other cities were doing and how people keep these elsewhere.

Q: So potentially a best practice that would, and we're mentioning beekeepers, were there actual beekeepers in the working group now as you're as you're recalling?

A: Yeah, yeah, there was.

Q: Oh, okay. We didn't pick that up at the top. Can you tell me more about the beekeepers who were involved because I got zoning staff, city manager, animal control, and sustainability office. And then that there was an expression within the community to which administration was responding and forming the working group. So there were beekeepers. That's new. Tell me more about the beekeepers who were at the top of the page here. ... You're talking about Mike Hott in Public Works. So you have the expertise of Mike Hott from Public Works weighing in here for the technical beekeeping component. Is that approximately right?

A: Yeah.

Q: And so then the same question will be answered for the specifications for a flyway look like. And this is restrictive. If you don't have 25 feet, this is a way to restrict so it's again contradicting the goal. And it is, once more, I would say, all three of them have a component, B and C have a

component, of best practice. Whereas A, if I'm recalling correctly, A is just a restriction. It's a restriction in order to accommodate a flyway, but look at this though: if the purpose is to accommodate a flyway then, A is redundant because you've got 25 feet. You've got, let's see, "a flyway barrier shall be required when bees are within 25 feet or closer." And then you have "no closer than 10 feet." Okay, so A is just part of the flyway specification. So "the flyway shall be at least six feet, six feet in height, that's vertical." "It shall be located no more than five feet from the beehive." So, on three, "five feet from the beehive," and then your five feet pre existing minimum on auxiliary structures gives you your 10 feet. So A becomes redundant because of C) 3. Is that right?

A: Yeah, we'll take a closer look at that that's a good observation.

Q: And that way you don't get unintended intention slipping in, and you focus to what your actual intention is. So then we got "flyway barrier shall extend at least three feet beyond either side of the beehive entrance" and that's technical specification, sounds like a, like a best practice. So let's note that C 3 makes A redundant. Okay, with respect to overarching goal.

4. D)

A water source for the honey bees must be provided on the property within 20 feet of any beehive.

A water source shall consist of an accessible and usable supply of water for the bees and maintained so as not to harbor mosquitoes.

Q: Let's do this one at a time. So first of all, "a water source for the honey bees must be provided on the property. So that's restrictive, right? As it has written "must."

A: Yep.

Q: Okay. And again, what's the origin here?

A: I mean, well bees need a water source.

Q: And did constituent stakeholders come forward with this concern or suggestion?

A: Again, this is part of the overall conversation with what best practices are keeping bees.

Q: Okay, so origin would be the working group. And we can maybe assume that this is coming from Mike again, possibly, or am I reading too much into that?

A: You might be reading into some of those.

Q: Okay, so did it, did it come from outside the working group, the suggestion on water?

A: It would have been inside the working group I just don't know who expressed this specifically.

Q: All right. And it is restrictive at the moment, as all the other best practices are currently written as restrictive and we'll get back to that. "Within 20 feet of any beehive," Technical specification, it sounds like same question, "a water source shall consist of an accessible usable supply of water," that's just elaborating definition "for the bees." And now we've got something new, "maintained so as not to harbor mosquitoes." And tell me a little more about that.

A: Well, like when folks are just collecting tires or what have you and there's not a water source, that's moving or replenished, it would promote mosquito issues.

Q: So, tell me the thinking about, bees need water. What happens if the water is not on your property? There's water in nature all over the place.

A: There is.

Q: If bees have access to water, why is there a "must" for water on the property?

A: Because part of keeping a bees is that you're the steward of that hive. And so you should be providing what's necessary. I mean, it's like keeping a dog. You don't let your dog just roam the neighborhood. You water your dog.

Q: Excellent. So you bring up the dog.

Q: I remember reading about bees going to the watering dishes of pets. Does that ring a bell?

A: I would not be surprised if they do that. I've never read an article or something about that. I know bees like a water source where they can be standing. So like they're not likely to go somewhere where it's too deep for them to kind of actually stand and drink water. So one of the suggestions is you put marbles in a bird bath. As a way to have a place for bees to be.

Q: So in terms of that, you bring up the dog. Do we have at the moment a regulation on pet watering bowls for your dog? Do we have a statement like this regulating dogs?

A: Not in zoning. I have no idea of saying or anything about how you care for your pet.

Q: So if we were going to be permissive, and we left this stipulation on how to care for your bees, we would be actually taking a stand. We'd be putting a greater restriction on bees than, for example, on pit bulls. ... What we have uncovered was that, though your definitive answer to the first question was we want to permit bees, period, it turns out there is quite a bit of "restricted" in here as well, restricting bees. But also, as we examined each piece of "restrictive," you identified almost all of them as best practices, up to the pet food piece. Is that a fair characterization of what actually played out?

...

A: I just agree in that like, again, I think we just disagree in that a goal can be both.

Q: So you're modifying your goal. Okay, let's let's go back to the dogs. So is the water source for dogs regulated in the way that part D, here 3D is?

A: Like I said, I don't know what the animal control regulations are for dogs.

Q: You have chickens. Are water sources for chickens, they need water too, are those restricted in your ordinance?

A: Okay. Okay. Okay. I don't see a water source.

Q: I'm pretty sure that there's no ordinance on dog or cat watering goals. And, we see now that in your domain there's not restriction on chickens. And so then you might want to think about that, as we put all of these together,

2.3. Sec. 10-3-220. – Permit Requirements.

2.3.1. 1)

person's wishing to keep bees pursuant to this subsection must file an application with the Department of Community Development, which application show include a form, a site layout, showing the beehive water

source flyway barrier, a single family detached dwelling in proximity and property lines. Okay, and then see, let's see, you know, we mentioned single family detached.

Q: Why single family detached? The same question we were asking before, what's the origin of that?

A: That was to ensure that, again, there's control over the beehive that so, maybe somebody in apartment building accidentally comes up to the beehive, versus a single family home they have more control over protecting the bees and making sure they're not injured or that's okay.

Q: And that's, again, a restriction and shows up again in the permit. We want to show that we specify that information or drawings of the flyway barrier and water source including dimensions, and then \$25 application. Okay, so tell me about the fee.

A: Yeah, I mean, that's consistent with the chicken license, the filing fee.

Q: And that presumably would cover staff time. At least that's how we would explain it to the voters. "Once the application has been approved by the Department of Community Development." So in that filing fee, you might be inspecting, for example, just processing the paperwork. Is that \$25? Is that the amount of time that it would take to actually process the paperwork, or does this envision more than just the paperwork?

A: That's processing the paperwork, reviewing the application, and answering questions that might be in the application.

Q: And then we have, once the application has been approved by the Department of Community Development, "a permit shall be issued and is valid for one year." Why one year?

A: Again, that's consistent with other city processes. It allows us to follow up with folks, maybe somebody wants to start a hobby and then they decide a year later that, oh, it's not something they're interested in anymore. With a record of who's keeping bees, if there's swarms, we can maybe let the owners know, hey, this might be one of your swarms. So the period of year, yeah, I mean, kind of consistent with how we operate as well as, you know, somebody who maybe started their adventure on some hives would get a hive in the spring and see it through the year and the next year.

2.3.2.3)

each existing permit shall be renewed annually by filing a renewal application with the Department of Community Development, along with the payment of the \$25 annual fees.

Q: So the fee is actually annual. So it's \$25 a year to keep bees. Okay. And these parts I'm assuming are coming from your office within the working group. Is that fair? Okay. Okay, so we've gotten to the end of the whole thing.

3. Criminalization of Bees

Q: Let me suggest back to you something that I've seen here. And that is that almost all of your restrictions, are best practices. To put them in here as restrictions, opens the person anticipating having bees to a heightened level of scrutiny. And the potential for: now is there a penalty associated with the violation of any of these?

A: That's a good question. That should be written into the ordinance and I don't see it.

Q: That might be, and let me suggest this to you: that that might be and this would be consistent with your initial definitive statement about the purpose. That might be because this was envisioned as something that allows people to do something as opposed to something that stops people or punishes people for doing something. And if that's the case, then with respect to how it's communicated to the public, it might be more effective to make

these what they in fact are as written, which is best practices, which is guidance. It might be more effective to make these sections beyond that first clause of the first sentence, a package of guidance and of advice and support that is maybe supported by that fee guaranteed and so a person can feel like it's their right to it, for having paid the fee. And that would make this then overall, a much friendlier piece of work, and also a piece of work that would be, I would say, more effective in supporting people to try this out, as you say. And then if in the follow ups, if it doesn't work out, giving them an off ramp into a community of others who already exist and have it as a hobby, this expertise, instead of going it alone and having to brave these various headwinds of potential heightened scrutiny, the potential implication that they are a bad person or that they are rule breaker. You see what I'm saying. So, especially with the absence of an actual punishment. I would say, well, consider that right?

A: Yeah, I mean, because it's in the zoning code, it would fall under our zoning.

Q: There is a catch-all penalty clause somewhere in the zoning, if I'm not mistaken, if that's what you're thinking of, I think that there may be such a thing. And what is that? Is that a misdemeanor?

A: Um, no, I don't remember it off the top of my head.

Q: I know that there were fines and that there were misdemeanors and that there was conversion of fines into misdemeanors. Are you looking at the penalty section? I'll give you a minute to, because I'm not, I'll give you a minute to look at it.

A: Sure. Thank you. Yeah, so the penalty one is "somebody found in violation of the provision upon conviction would be class one misdemeanor." Civil penalties, it looks like is specific to certain violations, operating short to rental, wrecking sign. But yeah, that is something that I would like to bring to the group's attention.

Q: So as written, it criminalizes the keeping of bees, unless they were specifically exempted with the civil penalty, and they are at the moment not, so that's what we've read through. We've read through something that intends to be letting people do something. But as written, it could be taken as, and the letter actually does open people to, the possibility of catching a misdemeanor and a criminal record for trying out the keeping of bees or having bees find their attic hospitable while they are away for the summer on a mission trip to Africa. As happens for many people here in this community.

A: Sorry, just taking notes. I think that the mission trip thing is a good point.

Q: ...

People don't set out to torture bees and to put a lot of money and effort into just building a hive and then seeing if they can make it fail. That's not why people are coming into it. And starting from that presumption, rather than starting from a presumption that somebody is doing something deviant, starting from a product presumption that it's nature and so that's a nuisance, is a mistake.

I think that first starting point would yield something a lot more popular and a lot more successful . Something to think on.

A: Yeah, you pointed out some things I do think are very important to make this better.

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