

AS APPROVED

014-AT-21

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: **RECOMMEND DENIAL**

Date: **December 2, 2021**

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows, per revisions dated October 14, 2021:**

- 1. Amend Section 3.0 Definitions by adding a definition for “apiary”, “beekeeping”, “honey bee”, “nucleus colony” and other related terms.**
- 2. Add footnote 29 to Section 5.2 Table of Authorized Principal Uses for “AGRICULTURE” for the R-1, R-2, and R-3 Districts, and on LOTS with SINGLE or TWO-FAMILY DWELLINGS in the R-4 DISTRICT that indicates that beekeeping shall be authorized per the requirements of Section 7.8.**
- 3. Add footnote 30 to Section 5.2 Table of Authorized Principal Uses for “AGRICULTURE” for the R-4 and R-5 Districts, that indicates that beekeeping is not an authorized USE in the R-4 DISTRICT on LOTS with MULTI-FAMILY DWELLINGS and in the R-5 DISTRICT.**
- 4. Add new Section 7.8 Beekeeping in the R-1, R-2, and R-3 Districts and on LOTS with SINGLE or TWO-FAMILY DWELLINGS in the R-4 DISTRICT, with new requirements including but not limited to the following:**
 - A. Beekeeping shall be authorized only as a home occupation and shall be authorized by a Zoning Use Permit, with the following exceptions made to the requirements in Section 7.1.1:**
 - 1. The limitations on non-resident, non-family employees in Section 7.1.1A. notwithstanding, there are no limits on the number of employees that may be present or on the hours that employees may be present on the APIARY LOT.**
 - 2. The requirements of Section 7.1.1B. notwithstanding, BEEKEEPING activities may be conducted outdoors on the APIARY LOT.**
 - 3. Smoking used to calm HONEY BEES during APIARY activities shall not constitute a violation of Section 7.1.1G.**

4. The requirements of Section 7.1.1J. notwithstanding, empty BEEHIVES may remain outdoors so long as upright and maintained.

- B. All beekeeping shall be in compliance with the State of Illinois Bees and Apiaries Act and all beehives and/ or nucleus colony shall be registered with the Illinois Department of Agriculture

- C. Beekeeping shall be in compliance with the Champaign County Nuisance Ordinance.

- D. Add a limit on the number of beehives that may be kept on a lot based on the area of the lot as follows:
 - (1) On a lot with no more than 10,000 square feet of area there shall be no more than four beehives and for each additional 2,500 square feet of lot area there may be one additional beehive; and

 - (2) One nucleus colony shall be allowed for each authorized beehive; and

 - (3) Each NUCLEUS COLONY shall be moved, disposed of, or combined with an authorized COLONY within 45 days after the date it is acquired except that any NUCLEUS COLONY may be kept between August 15 and April 15 to mitigate winter bee losses.

 - (4) Allow temporary housing of one swarm of honey bees for no more than 3 months from the date acquired, subject to notifying the Zoning Administrator.

- E. Add a minimum required separation between any beehive and/or nucleus colony and a lot line of 5 feet and no more than 25 feet to any street right of way, improved alley, or access easement, and 10 feet to any structure on any adjacent lot.

- F. Add requirements for management practices as follows:
 - (1) Add a requirement that any beehive and/or nucleus colony on any lot with 40,000 square feet or less lot area in an apiary with more than two beehives to be enclosed by a three-foot high fence or wall.

 - (2) Add a requirement for a minimum six-foot high flyway barrier for any beehive and/ or nucleus colony located less than 25 feet from a lot line and require the flyway barrier to extend a two feet past either side if the barrier is located in front of the bee opening, and if not located in front of the opening to the beehive, eight feet on either side of the beehive and/ or nucleus colony.

(3) Add a requirement for a minimum of two sources of water to be continuously available in the apiary when honey bees are active outside a beehive if an apiary has more than two beehives, and one water source if two or fewer beehives. Each required water source shall be no further from a beehive or nucleus colony than one-half the distance to any other possible water source on any adjacent lot and shall allow honey bee access to water by landing on a hard surface.

G. Add a requirement that any BEEKEEPING that exceeds any of the standards in paragraphs 7.8 D. through F. may be authorized by SPECIAL USE Permit.

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 29, 2021, August 26, 2021, October 14, 2021, and December 2, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to establish the requirements for the keeping of honey bees in residential areas.
 - A. Regarding the process used to create the draft amendment:
 - (1) The Zoning Administrator received and sought out model ordinances and other community ordinances that regulate beekeeping. The following ordinances were compared and used as a basis for developing the proposed amendment:
 - a. Minnesota Hobby Beekeepers Model Ordinance (2018);
 - b. Ohio State Beekeepers Association Model Ordinance (2018);
 - c. Village of St. Charles, Illinois;
 - d. Village of Whitewater, Wisconsin; and
 - e. Lake County, Illinois.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:...”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 2.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 3.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long-term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 4.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 5.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 6.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 7.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 8.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. Goal 10 will **NOT IMPEDE** the proposed amendment in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment seeks to address complaints that improperly maintained bee colonies have created safety concerns from some neighbors in residential districts in the county.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public STREETS.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

(1) A summary of comments and petitions regarding the proposed ordinance amendment can be found in Attachment C to Preliminary Memo #1 dated July 20, 2021.

(2) The following is a summary of comments received since complaints were first received about honey bees:

a. The following is a summary of testimony received at the July 5, 2018 Environment and Land Use Committee meeting, as shown in the approved minutes:

(1) Neighbors in the Prairie View Subdivision northeast of Urbana complained about issues with bees.

b. The following is a summary of testimony received at the October 8, 2020 Environment and Land Use Committee meeting, as shown in the approved minutes:

(1) Diane Koch, Prairie View Subdivision, spoke on a problem with honeybees in the neighborhood due to several hives kept by a neighbor. She can't provide water for the birds without fear of getting stung. There are 50- 60 bees at a time in the bird bath and they take over the hummingbird and regular bird feeders. She is also concerned about her neighbors and the possibility of bee stings. Would like the bees to be relocated into a country setting instead of a neighborhood setting.

(2) Barney Bryson, Prairie View Subdivision, talked about the excessive number of bees in their neighborhood due to the number of beehives kept by a neighbor. Also has a concern about the IL State Bee Association pursuing legislation relieving beekeepers of any liability of damage to property or injury to people. It's House Bill 2223. Health issues with bee stings are a concern. He has also gone to the Urbana City Council and they stated that they would support anything that the county did.

c. The following is a summary of testimony received at the November 5, 2020 Environment and Land Use Committee meeting, as shown in the approved minutes:

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- (1) Sara (no last name given) spoke in favor of residents being able to keep bees. Not even sure why this is even being discussed. She doesn't keep bees but thinks people should be able to.
 - (2) Annette Donnelly asked why we are trying to legislate pollinators. Thinks it egregious. Wonders what the county has against bees.
 - (3) Rachel Coventry, Curtis Orchard – her argument against regulation is it's impossible to know where the bees came from. Aren't we trying to encourage pollinators? Seems crazy to try to put in an ordinance for bees.
 - (4) Jason Bartell, Rantoul, Attorney/CPA and Beekeeper. Seems like this is a 2-party dispute and should not put rules on the entire county. Thinks the proposed ordinance is a step backwards and not forwards. This area is already regulated by the Illinois Department of Agriculture. Currently they are required to register the hive and GPS coordinates. Required to submit to hive inspections at any time. Environmental changes are happening rapidly, so practices will always be changing. Encouraged the committee to vote No.
 - (5) Steve Halfar stated that keeping bees is labor intensive and there are a lot of hurdles and difficulties in keeping bees. This ordinance would make it more difficult for beekeepers and would discourage people from keeping bees. He encourages the committee to vote no.
 - (6) Maggie Wachter, Master Beekeeper certified by University of Florida, Teaches Beekeeping at Parkland for last 8 years – In Illinois bees have particular problems as there aren't enough places for them to forage. They don't thrive the way they do in other states as there just aren't enough flowers. Be aware of the need to encourage people to keep bees. She's never had a problem with neighbors. Don't develop a policy based on one incident or disgruntled person.
 - (7) Tom Dillavou stated that by passing an ordinance we may be discouraging future beekeepers.
 - (8) N. E. Davis wanted to echo Mr. Bartell and the others. Maybe an issue for an HOA to handle.
 - (9) Robert and Bonnie Switzer are not beekeepers but have a neighbor who is. Proposed ordinance would make it more difficult for him to continue keeping bees. They have never had any problems. They have a birdbath and have had no problems with bees gathering there. Encouraged the committee to not enact such an ordinance.
 - (10) Ryan Shosted has been a beekeeper for almost 10 years. He has never had any complaints or problems. The consequence of having an ordinance would be fewer beehives in the county. Does this as a

hobbyist and feels that an ordinance would prevent him, and others, from performing what is essentially a service to the community.

- (11) John Trefzger said there are over 400 species of bees in Illinois. They are only aggressive if you are getting into their honey or brood. That's when they get protective. In disagreement with having an ordinance.
 - (12) Randy Graham encouraged the committee to vote no. We need to be encouraging of beekeepers. It seems ironic that this county, home of the U of I, a premiere land-grant university world renowned for ag research and part of that research has to do with pollinators, it would seem strange that we would propose this kind of legislation. We rely on pollinators for crop production. It would suppress the fostering of healthy bee populations.
 - (13) Bryan Miller, Co-President of local bee club and Central Regional Director of the Illinois State Beekeepers Association. They will be keeping tabs on this issue to see how it goes. They mapped the honeybee genome at the U of I. They are doing amazing work with bees at the U of I. Disagreed with the need to have an ordinance.
 - (14) Cole L. does beekeeping with his children; it's a family activity. An ordinance would clearly go against that. Would be hard to tell his kids they could no longer do this activity. He's against any ordinance that's against bees.
- d. The following is a summary of communications received prior to the April 8, 2021 Environment and Land Use Committee meeting:
- (1) In a letter dated March 26, 2021 and received March 29, 2021, Barney Bryson, 2102 Barnes St, Urbana (Prairie View Subdivision), requested action in order for a growing number of people to be able to enjoy their property, in peace, and avoid damage to their homes, vehicles, and health.
 - (2) In a letter dated March 23, 2021 and received with Barney Bryson's letter on March 29, 2021, Kenneth Mills, formerly of 2004 Barnes St, Urbana (Prairie View Subdivision), stated that his property values were negatively impacted by the bees next door, and his family and friends were stung in their yard.
 - (3) In a letter dated March 27, 2021 and received March 30, 2021, Diane Koch, 2006 Burwell St, Urbana (Prairie View Subdivision), said that bees were again causing problems in her yard by infiltrating her bird baths and bird feeder. She requested that the bees be maintained by their keeper.
 - (4) In a letter dated April 3, 2021 and received April 5, 2021, Robert and Joan Mathis, 2004 Burwell St, Urbana (Prairie View Subdivision), said that they have had problems with bees swarming their

hummingbird feeders and bird baths. They have had visitors leave their property due to the bees, and have had neighbors get stung. The bees left yellow streaks on their cars, which is difficult to remove. They asked that beekeeping be kept in rural rather than residential areas.

- (5) In a letter dated April 5, 2021 and received April 6, 2021, Derald and Patsy Seeds, 2005 Barnes St, Urbana (Prairie View Subdivision), said that their great-grandchildren have been stung while swimming and playing in their yard. They have been bothered by the bees when they try to eat outside, and cannot fill their birdbath due to the bees. They have had the bees stain their cars, house and garage doors, which does not come off easily. They asked that their neighbor's beekeeping be limited and done in a non-residential area.
 - (6) A petition signed by residents of Prairie View Subdivision and the Mary Lou Drive neighborhood to the east was received on March 29, 2021, asking the Champaign County Zoning Administrator and ELUC to amend the Zoning Ordinance pertaining to beekeeping on residential properties.
- e. The following is a summary of testimony received at the April 8, 2021 Environment and Land Use Committee meeting, as shown in the approved minutes:
- (1) Mr. Thorsland read the letter from Sue Stimson into the record regarding the bee situation in Prairie View Subdivision. She is a friend of Mr. Bryson and has been stung by the bees multiple times while at his home. She has had so many bee stings she is now having bigger reactions and it is recommended she have an Epi-Pen. She has a heart issue, so an Epi-Pen is not an option. Retirement plans they had have needed to be changed because the neighbor can't take care of her bees properly.
 - (2) Derald Seeds sent in a letter regarding the bee issue in their neighborhood and just wanted to be sure it was received and would appreciate any help from the committee.
 - (3) Barney Bryson sent in information on the bee issue. It's been brought to his attention that other neighborhoods close by are now being affected by the bees. The beekeeper not properly caring for the bees is having a damaging effect on their neighbors. He restated all the issues they are having with the bees.
 - (4) Diane Koch spoke to the bee issue. She has had issues with the bees around her bird feeders and bird baths.
 - (5) Joan Mathis sent a letter regarding the bee issue. She wanted to restate that they have lived there for 31 years and had not had a problem until

after the beekeeper moved in. Feels that they are a residential area and not agricultural and the beehives are agricultural.

- f. The following is a summary of testimony received at the May 6, 2021 Environment and Land Use Committee meeting, as shown in the approved minutes:
- (1) Derald Seeds spoke to the bee issue. He sent Mr. Hall a picture today showing the mess the bees make on windshields and cars. It's hard to clean off; you have to use Windex with alcohol to get it off. He took his grandkids for a walk and the bees were terrible, so there is still an issue. The neighborhood would like to get it to a manageable level.
 - (2) Barney Bryson appreciates that the effort is being made to move this on to the ZBA. He had a question about the ordinance that would be better asked and answered at the ZBA. He had no further comments tonight.
- g. The following is a summary of communications received prior to the July 29, 2021 ZBA public hearing for this case:
- (1) In an email received June 9, 2021, Leslie Revo opposed regulations against beekeeping in Champaign County.
 - (2) In an email received June 23, 2021, Leslie McClintock opposed regulations against beekeeping in Champaign County because they would make it difficult and expensive for everyday people to participate in beekeeping. She said we need to support beekeeping and pollinators in our county, and the board should listen to the advice of knowledgeable entomologists before deciding.
 - (3) In an email received June 24, 2021, Cassi Pearson opposed regulations against beekeeping in Champaign County because bees are important to our ecosystem.
 - (4) In an email received June 24, 2021, Diane Kiddoo opposed requiring fencing with self-closing gates around be hives, saying it will make it difficult for the average home beekeeper to have colonies in their yards. She said that education and understanding will take the fear out of beekeeping.
 - (5) In an email received July 1, 2021, Angela Arnott opposed regulations against beekeeping in Champaign County because bees are responsible for pollinating many of the crops grown in central Illinois. She offered resources regarding the importance of honeybees and the role beekeeping provides.
 - (6) In an email received July 1, 2021, Christopher Arnott opposed regulations against beekeeping in Champaign County because he believes the county should be as pollinator-friendly as possible.

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- (7) In an email received July 2, 2021, Barbra Bleier opposed regulations against beekeeping in Champaign County because she feels that bees are a necessary part of their neighborhood ecosystem.
 - (8) In an email received July 6, 2021, Stephen Dolan opposed regulations against beekeeping in Champaign County.
 - (9) In an email received July 12, 2021, Benjamin Clegg opposed regulations against beekeeping in Champaign County because backyard beekeeping is a safe venture with important benefits and services to the rest of the community.
 - (10) In an email received July 14, 2021, Annette Donnelly opposed regulations against beekeeping in Champaign County. She said that inhibiting site selection and mandating costly fencing would restrict beekeeping for all. She said that honeybees forage in a 3 mile radius from their hive, and that their ability to travel far for forage makes it challenging, if not impossible, to legislate.
 - (11) In an email received July 15, 2021, Kate Kelly provided a list of sources on bee colony collapse and on methods for repelling honeybees from swimming pools. She thinks that the solution being offered to this problem seems worse than the problem.
 - (12) In an email received July 15, 2021, Chris Harmon asked several questions about the proposed ordinance amendment. He asked how the changes would help increase the honeybee population, and how the changes would improve the pollination of crops.
 - (13) In an email received July 15, 2021, Kate Kelly encouraged the County to support beekeeping in Champaign County because colony collapse disorder threatens our food production here and globally. She feels that regulating beekeepers to placate a neighbor with a swimming pool does not make sense. She feels that fencing would not be an effective answer because bees fly.
 - (14) In an email received July 16, 2021, Chris Graham said that the amendment would make beekeeping more difficult and opposed its passage.
 - (15) In an email received July 16, 2021, Dixie Jackson opposed regulations against beekeeping in Champaign County because hives pose no threat to neighbors, and we need more hives, not fewer to support healthy bee-pollinated crops, prairie restoration, and pollinator gardens.
 - (16) In a letter received July 16, 2021, Charles Ledford opposed regulations against beekeeping in Champaign County because they are unnecessary and costly when beekeeping is already expensive. He

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said that the amendment is a classic example of government overreach, and the neighbors who are fighting over a few colonies need to find a way to settle their dispute without involving all other residents of Champaign County. He also submitted a change.org online petition to protect the pollinators that was signed by over 700 people.

- (17) In an email received July 19, 2021, Bill Studley said that the restrictions in the proposed amendment seem to be designed to discourage the establishment of small apiaries and the introduction of interested individuals to an activity that benefits many.
 - (18) In an email received July 19, 2021, Lucas Shaffer opposed regulations against beekeeping. He said that there are wild honey bees in town, in trees, buildings and many other places, and we need more urban beekeeping now more than ever.
 - (19) In a letter received July 19, 2021, Bruce Pea opposed regulations against beekeeping in Champaign County because he feels they will effectively eliminate hobbyist beekeeping in unincorporated Champaign County.
 - (20) In a letter received July 19, 2021, Chris Mackey doubted the authenticity of the letter from Kenneth Mills that suggested Mr. Mills had an issue with bees, and said they never had any concerns about or problems with the bees at Rena Jones's home.
 - (21) In a letter received July 19, 2021, Rena Wilson-Jones supported other beekeepers and provided context for the bee complaints and her responses. She said that she no longer manages honeybees in the defined zoning district described in the proposal, and therefore she will not be directly impacted by the decision since she took corrective action over two years ago. She said that since honey bees fly a foraging distance of at least a 1-2 mile radius (8,000 acres) from their hive, any of these unwanted visits to the neighborhood could be from surrounding colonies. She said she believes the proposed restrictions are unnecessary, and they would discourage current and future beekeepers.
 - (22) A petition signed by 561 residents from various parts of the country opposed any amendment to the Champaign County Zoning Ordinance that would further regulate the keeping of honeybees anywhere in Champaign County.
- h. The following is a summary of testimony received at the July 29, 2021 ZBA public hearing for this case:
- (1) Barney Bryson (Prairie View Subdivision) expressed support for the proposed beekeeping restrictions. He and visitors to his property have been stung, and bees have made his swimming pool unusable. He has

had issues with bee frass on his cars, house, and windows. He said the onus should be on the beekeeper to sustainably maintain their hives so they don't cause a problem for neighbors.

- (2) Bryan Miller is a beekeeper and said the Board had some bad information about bees and beekeeping, and said they should have just asked some of the beekeepers questions before proposing the amendment.
- (3) Maggie Wachter is a master beekeeper and said that the residents of Champaign County have a long legacy of agriculture and encouraging and promoting their bees is part of their legacy as agriculture workers and human beings. She said that if there are regulations that are going to affect the beekeepers, then beekeepers should have integrated input.
- (4) Annette Donnelly is a beekeeper and requested that the Board deny the restrictions to beekeeping and pollinators in Champaign County.
- (5) Sara Brown expressed her support for Rena Wilson-Jones as a beekeeper and is against any restrictions on beekeeping.
- (6) Joan Mathis is a neighbor who has had issues with bees in Prairie View Subdivision. She said that bees have been a nuisance when they have tried to sit on their front porch. She said that she has had bees in the birdbaths and hummingbird feeders. She said that they go to the bathroom on their cars, windows, siding on their house, and it dries like cement; it doesn't wash off nice, they have to scrub every spot. She said that she feels like beekeeping is not agriculture in the residential area and wants help with the problems created by bees in her neighborhood.
- (7) Diane Koch is a neighbor who has had issues with bees in Prairie View Subdivision. She said that her situation is that she loves flowers and birds, so she has birdbaths and birdfeeder areas throughout her yard. She said that she is grateful that this year, for the first time in three years, the population of bees in her yard has been normal. She said that she doesn't have a hundred or more dead bees floating on top of her birdbaths, and she is not exaggerating. She said that she likes to sit out on her deck in the morning and have breakfast, but she can't do that; this season she can, but other seasons no. She said that she has been stung multiple times, because she works in her yard a lot, and so far, she has no allergies, thank goodness. She hopes for a good resolution for the neighborhood.
- (8) Ryan Shosted is a beekeeper and spoke on behalf of the Central Eastern Illinois Beekeeping Association (CEIBA). He is opposed to restrictions on beekeeping and wanted the beekeepers to have more input in the development of the proposed amendment.

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- (9) Lesley Deem is the Director and teacher at the Pollinatarium on campus. She provided information on positive and negative aspects of the proposed amendment, and wanted the beekeepers to have more input in the development of the proposed amendment.
- (10) Christine Graham is a beekeeper and said she believes Champaign County should be proactive for bees and their beekeepers, not suppressive. She said it seems to her that this conflict between individuals has been resolved, and perhaps we need to think about not how to write a restrictive amendment.
- (11) Ben Clegg is a novice beekeeper and made observations about the development of the proposed amendment. He expressed concern that If the area affected by the proposed amendment is so small, what is the County actually trying to do with the amendment. He said that beekeeping is really hard especially in Illinois because the winter survival rate for bees can be as low as 50%. He said the proposed amendment only allows three hives, and that could be nearly a complete loss in one winter.
- (12) Robert Meyer is a beekeeper and professor at Parkland College in the Business and Agricultural Division. He has been a member of the Central Eastern Illinois Beekeeping Association (CEIBA) for 45 years.
- a. He wanted to point out is that there are about 500,000 acres of farmland in Champaign County, with about half of it being beans and half of it corn. He said if there are bees around, they increase the yield by about two bushels per acre, so if you think of beans being \$14 per bushel, you increase that by two bushels an acre, you've made the farmer \$28 richer. He said he did some math, it is almost \$10 million more in revenue that comes to the farmers that then gets spent on farm equipment and cars in town, and when someone buys a car, that makes a job for a salesman who can then buy groceries, so it trickles down to more than \$10 million. He said he tells them all of this because he is hoping that the rules they'll pass will encourage beekeeping rather than discourage it.
 - b. He is going to guess that there are over 1,000 hives in Champaign County. He said around 500 are kept by beekeepers and another 500 are wild hives where they're in a tree or something. He said if you have a 1,000 hives, and each hive has 50,000 bees, you have maybe 50,000,000 bees flying around, so things are going to happen where occasionally, people are going to get stung or there's going to be bees in the birdbath or whatever. He thinks having a bunch of hives in a residential neighborhood is too much, and when CEIBA knows about this, they are going to address it. As far as he knows, no one in these subdivisions has more than ten hives in one place.

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- i. The following is a summary of testimony received at the August 26, 2021 ZBA public hearing for this case:
- (1) Derald Seeds said that they have been in the Prairie View Subdivision neighborhood for about 40 years and they never had any problems with bees in the neighborhood until about six years ago. He said that family and friends have been stung. He said they have had problems with bee frass on their vehicles that does not come off easily, and their birdbaths covered with bees. He contacted Rena and Drew Jones about the problems, and they made suggestions, but the problems persist. He said that they are not against bees, and asked that the Board help limit the bees.
 - (2) Charles Ledford is a beekeeper. He said it is an expensive hobby; he thinks his expenses at that time were about 2,600 dollars for the year after setting up five new colonies. He said some might not be able to afford additional expenses for keeping bees, referring to the proposed permit fee. He said that they are here for a very limited purpose to attempt to solve a problem between a very small group of individuals. He said he thinks they all know that the amendment to the Zoning Ordinance will not solve this problem. He said the bees are probably going to continue going exactly where they have been going to get their water and this amendment will not change that. He said the amendment is written in a way that addresses problems that don't exist. He said the proposed requirement for supplying water could be stagnant water, which is a breeding ground for mosquitos, which brings Zika or West Nile. He said he has a strong view that the solution to this personal problem is not writing amendments to zoning laws, then amending something else, and having language that addresses problems that haven't even been talked about. He said that the local beekeeping association should come up with a set of best practices. He said that he thinks members would agree to following those best practices.
 - (3) Lisa Romero said that she has been keeping bees for seven years and she has nine hives in eight locations throughout Champaign, Savoy, and Bondville. She said that all of her other hives are on properties of homeowners who have requested that she puts a hive in their yard to help pollinators. She said that six of these hives are on properties with children, six of them are in neighborhoods, and five hives are within five feet of property lines. She said when she sets up a hive, she not only looks for a spot that works for the bees, but first and foremost a spot that will enable the bees to coexist with people. She said in every case, she requires that the homeowners speak with their neighbors to get approval. She said that she, the homeowners, and their neighbors have been very successful at identifying a location and a setup that enables the bees to live symbiotically with humans. She said that she doesn't believe that the proposed guidelines do as good of a job at doing that, and in some cases would fall short of that. She said she doesn't know of any beekeeper that would put a hive in a location that

- was not agreed to by homeowners and neighbors. She said this proposal focuses on one specific beekeeper in one specific neighborhood and a complaint arising from this situation. She said she has issues with the guidelines, because they are not only unnecessary for the rest of the beekeepers, but they will also negatively impact them and their efforts to benefit pollinators.
- (4) Amanda Morgan said that the proposed requirements would be an extra financial burden, and some parts are not quite realistic, for example, keeping a nucleus colony for one month. She said she ordered a hive box to house a swarm they caught, and it took 2.5 months to arrive. She said her experience with bees and her neighbors is drastically different than what she is hearing from neighbors in Prairie View Subdivision. She said that she thinks that almost all beekeepers follow these best practices out of their love of what they do, it is a hobby that they enjoy. She said that it is something that is quite a financial investment for them, so they don't want to mess this up. She said that she does agree that best practices could be determined, and she would be more than happy to follow them. She thinks that the regulations proposed in the ordinance are very contradictory to what beekeeping is about.
- (5) Roger Faulkner said that he understands how important the pollinators are, and without pollinators the human race would be wiped out in as little as four years. He said that it is so important that they maintain as many hives as possible. He said that he thinks people would be surprised just how many hives that are around even without the beekeepers that are wild. He said the proposed ordinance wouldn't reduce the things that the Board is proposing to solve.
- (6) Rena Wilson-Jones said the passing of this amendment would be misdirected since she already moved her hives several years ago, it would negatively impact her fellow beekeepers and cause unnecessary burdens for the county. She said the established registration system through the Illinois Department of Agriculture works, so it seems the County's involvement is unwarranted. She said that the Board has heard from many that honeybees are such a vital component to their ecosystem. She said to have backyard beekeepers imposed with these restrictions will severely handicap their endeavors. She said with such dramatically declining bee populations due to several factors, such as disease, lack of forage, environmental chemicals, etc., they need to foster and encourage managed bee activities. She said that she no longer manages honeybees in the defined Zoning District described in the proposed amendment, and therefore she will not directly be impacted by the decision since she took corrective action two years ago. She gave her perspective on the personal situation as a beekeeper in Prairie View Subdivision, the efforts she made to move her bees in response to complaints, and how she has tried to use best management practices and be a good

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- neighbor. She said she does not believe these proposed amendment restrictions are necessary and they will unduly discourage much needed current and future beekeepers.
- (7) Joan Mathis has lived in the Prairie View Subdivision since 1988. She said that she is not against Ms. Rena Wilson-Jones and Mr. Drew Jones, who were neighbors on good terms for a long time up until they had this heavy bee problem. She said she has had problems with bee frass and stings. She said that she wants this to be solved in some way, they need sensible restrictions. She said that she admires the beekeepers that want to do this, and she admires the fact that they need beekeepers, but this has been a very difficult thing in their neighborhood.
- (8) Barney Bryson gave his perspective on the problem between himself and his beekeeper neighbor, Rena Wilson-Jones. He defended his position that Ms. Jones had too many bees, and that the State Apiarist had confirmed she had 54 beehives, not 27, on her property at one time. He provided data on temperatures in February and pictures of bees he took at that time showing frass on his windshield and there were bees on his deck when he was sitting outside. He said the only thing the Board can do is regulate it, because the self-regulation is not working.
- (9) Chris Graham said that the beekeepers are not here to simply defend Ms. Rena Wilson-Jones; she for one wants to see an optimal solution to the issue that has so detrimentally affected this neighborhood. She said she is here in hopes of being able to participate in finding a realistic and logical solution to a problem that involves a very small area in the county but has entire repercussions of the entire county. She clarified misconceptions about bees based on her beekeeping experience. She said that Ms. Lesley Deem is a teacher of beekeeping classes, Ms. Maggie Watcher is a master beekeeper, and Mr. Bryan Miller and Ms. Rena Wilson-Jones are longtime beekeepers, and she is sure there are others. She said that they would help create a solution or an amendment that would benefit all beekeepers. She suggested that the Board utilize their knowledge and expertise to brainstorm to find the best solution for all involved. She said that the State of Illinois Department of Agriculture also has apiary inspectors to help beekeepers with multiple bee problems, advice, and to handle complaints.
- (10) Lesley Deem said that she runs the University of Illinois's Pollinarium or Pollination Learning Center at the south end of the Arboretum on campus. She said that she is trying to help mitigate things, answer questions, give information about bee behavior, and in the way things kind of work. She said that the beekeepers are hoping that the ordinance does not pass, and if it does pass, then the beekeepers appreciate that the Board and Staff are willing to listen

and work with them. She said that if the ordinance is passed, it is not going to change the current situation. She said that she doesn't know how to help the neighbors who will be upset if the ordinance passes and things still remain exactly as they are. She said that there are hives that are across the road, there are hives on Perkins Road, and so there are other hives that are involved within flight distance of the neighborhood. She said that these were not all there when the homeowners moved in, so the numbers are never going to go back down to what they were used to be when they first moved in. She explained the State of Illinois registration form for hives, and how it can include multiple hive location for one beekeeper. She asked for clarification on what abatement would mean in the proposed Nuisance Ordinance amendment. She briefed the Board on her meeting with P&Z Staff on August 24, 2021.

- (11) Kacey Nelson said that he lives in the R-3 District in Champaign County, and been a beekeeper for over seven years. He said that he is disappointed in the proposed amendment and he has not needed an ordinance to achieve his beekeeping without bothering neighbors for four years on a small residential lot when he lived in central Champaign. He said the proposed amendment would negatively affect and deter existing and aspiring beekeepers. He said that there are better ways to address issues than through amending with an ordinance, that is why he requests the amendment to not be enacted.

j. The following is a summary of communications received prior to the October 14, 2021 ZBA public hearing for this case:

- (1) In an email received October 8, 2021, Chris Graham said that the revised document was definitely progress. She said she thinks this amendment is a reaction to a resolved problem. She thought registering with the County was redundant to the State registration. She thought the Best Beekeeping Practices document provided in Attachment F was an excellent document. She said the amendment should be denied since it is redundant, overly restrictive, and dictatorial to beekeepers from non-beekeepers.
- (2) In an email received October 12, 2021, Barney Bryson said that an excessive number of beehives creates a nuisance in a neighborhood, and he feels five hives are too many. He provided evidence of texts with a neighbor who said he had a loss in property value due to the bees when he sold his house.
- (3) In an email received October 13, 2021, Bill Studley outlined conclusions he came to during the text amendment process. He said that the bee nuisance complaint could be modified by subdivision covenants. He said that the complaint is moot because the honey bee colonies were moved. He said that should the regulations be approved; monitoring and enforcement would create continuous costs for the County. He said that the proposed regulations are redundant to

State requirements, overly restrictive, and discourage beekeeping at an unnecessary cost to beekeepers.

- (4) In an email received October 14, 2021, Charles Glass said although he'd seen a decrease in bee population, he hopes whatever rules that have been placed on beekeepers remain in force. He said he didn't understand the logic of breeding bees in a residential neighborhood.
- k. The following is a summary of communications received at the October 14, 2021 ZBA public hearing for this case:
- (1) Lesley Deem offered to answer questions from the Board. She said she was comfortable going with more than four beehives on a property. She said that she can't take the beekeeper out of her, so she guesses that if she merged everything together, then she would go for an ordinance that would limit the number of beehives on each lot and didn't limit all the other specifications about the water sources, flyway barriers, and things like that. She said that it is a normal thing that the beekeeper does when they get into the art anyways. She said that as a beekeeper, she does not want the ordinance to be approved, but sitting in the Board's place and trying to go down the middle, then she would do the ordinance with limiting the number of beehives. She said that she does think that putting an ordinance into effect is not going to change anything in the current neighborhood, because the beehives have already been moved out. She said that in her mind, the problem has already been dealt with there.
 - (2) Mr. Bryan Miller said that he had worked on the Illinois Beekeeping Best Management Practices with the Illinois State Beekeepers Association several years ago. He said that it is on file with the Department of Agriculture and has been for a very long time. He said that the proposed amendment is creating a law for something that is not a problem.
 - (3) Mr. Steve Halfar said that he thinks the problem was dealt with quite well, the State inspector came out and talked with Ms. Wilson-Jones, and the problem was solved. He said that bees are wild creatures, and they are going to do what the bees want to do. He said that trying to artificially limit the number of beehives on one given lot is not going to solve the problem; the bees are going to do what they do. He said that trying to codify every aspect of beekeeping in an ordinance seems unnecessarily complex and will create a lot of work for the County, as well as limiting what can be done. He said that he thinks that the more informal method by which this problem was dealt with took care of the problem pretty well.
 - (4) Mr. Bill Studley said the conclusion that they need a countywide ordinance based on a single dispute that has come before this governmental body, and the 188 years Champaign County has been in

existence doesn't make a lot of sense to him, because the dispute seems to have been resolved.

- (5) Mr. Barney Bryson said this issue is not over. He said he lived there 20 years before he had this bee problem, and he had this pool for 20 years and never had these problems, but when the bees started being kept in excessive numbers, that is when the bee problem started. He said that he thinks that is part of the question this evening; sustainability on how a beekeeper can sustain a certain number of bees, and being a responsible and proper apiarist. He said that he recognizes the fact that the beekeepers have the right to keep bees somewhere, and he does not want to see the bees gone, because he has had bees around there before, and he does not want to hurt the beekeepers' ability to have their hobby. He said that the State does not zone or require any beekeeper to have a maximum allowed number of beehives, because they only cover the health, transportation, and registering of the bees. He said that they have nothing to do with the residential areas for beekeeping or counting the number of beehives. He said that the ordinance is necessary to minimize the nuisance bees create making their properties unable to enjoy. He said that he wishes that the Board would go look up nuisance and understand what that means, because noise and sound is a nuisance, but when it comes to invading somebody's property with harm, the elimination of having guests over, and damages, that falls in alignment with that as well.
 - (6) Ms. Joan Mathis said that everyone is saying that the bee problem is better and has been solved, but it is not solved if there are still no regulations, and it still can happen again, whether it's in their neighborhood or somewhere else. She said that she thinks there needs to be at least a restriction to four beehives on a lot; that would have to be helpful. She said that her opinion is if beekeeping is an agricultural enterprise, then why are they even allowing beekeeping in the residential areas.
 - (7) Ms. Rachel Coventry said it sounds like the enforcement of this ordinance would create a tremendous headache for Champaign County Zoning, and what level of County resources do they plan to allocate in order to determine where the offending bees come from. She said that where the beehives are placed now, according to hearsay, the bees are not causing any problems, so she is not quite sure how this amendment would prevent this problem in the future if the beehives are allowed to remain as they are or if Ms. Wilson-Jones brings the beehives back onto her property.
1. The following is a summary of communications received prior to the December 2, 2021 ZBA public hearing for this case:
 - (1) In an email received October 18, 2021, Chris Graham clarified what the beehive boxes are called and explained their construction and how hives are not stacked on top of one another.

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- (2) In an email received October 26, 2021, Karen Pruiett said she has been a hobby beekeeper just outside of Penfield (unincorporated) for 45+years. She said she was a professional apiarist at the University of Illinois Bee Research Facility from 2001-2010, and she currently manages 20-35 colonies of honey bees in apiaries of 4-7 colonies per yard. She said she managed 50-95 colonies of honey bees for academic research at UIUC, and for over 15 years she was the president of the Central Eastern Illinois Beekeepers' Association. She said that she is aware of the location of Mr. Bryson's residence and can say that half of the research colonies she maintained for the Bee lab were within foraging distance of his residence. As a longtime member of CEIBA, she was also aware that 2-3 private apiaries were also within flight distance of his home. She said the flight distance of foraging honey bees averages 2 miles. It is known that in exceptional circumstances, honey bees can fly 2 times that distance. She said that Mr. Bryson has no idea how many colonies exist within that distance from his home, and that does not even account for the feral colonies dwelling in trees and cavities in many of the UI Natural Areas. She said that attempting to regulate agricultural endeavors such as beekeeping in unincorporated neighborhoods in Champaign County will have unintended consequences, and that regulating agriculture with zoning in agriculturally based Champaign County seems the wrong path to go down.
- (3) In an email received December 2, 2021, Chris Graham said that the proposed amendment resolves nothing, and that the County is restricting the rights of beekeepers.
- m. The following is a summary of communications received at the December 2, 2021 ZBA public hearing for this case:
- (1) Lesley Deem offered to answer questions. She clarified that a flyway is the path the bee will normally take. When asked what role the beekeepers association should have moving forward, she responded that now that light has been put on the problem, the process is already in place – the association members are already talking about limiting the number of beehives. When asked which of the items in the proposed amendment should be prioritized, she said that the most crucial would be the number of hives allowed. She said it is not uncommon to have 7, 8, or 9 hives on one property. She said that she would be comfortable having 6 hives on 10,000 square feet and adding one hive for each additional 2,500 square feet, although that number is arbitrary. She said we should focus on saving bees as a community.
- (2) Barney Bryson said that the number considered arbitrary by some comes from years of research and the experiences of other counties and states. He said we are looking for a balance. He said that someone can't count bees, and someone doesn't know where they come from, but he can tell them that when the excessive number of bees started being kept

in their community, it started to become a nuisance, and it was recognizable. He said that the problem still exists, and it is a health and safety issue that directly impacted his partner who is allergic and has a heart issue. He said that people with heart issues can die from using an EpiPen because it can stop the heart.

- (3) Lisa Romero said that she has 9 hives in 8 locations. She said she would be directly impacted by the proposed amendment. She said that it is difficult to identify where any bees are coming from, because there is a variety of theories on how far the bees can fly, but someone cannot identify a bee in their backyard, and where it had come from unless they saw it come out of the beehive. She said that she is concerned because when someone looks at this whole thing from a bigger picture, this could be a PR nightmare, not only for the County, but for the County Board, because if a couple of journalists get ahold of this whole thing, this whole big picture, the whole story looks ridiculous.
- n. The following testimony from beekeepers is classified by sections in the proposed amendment; some of it may have been mentioned under public comments in parts a. through h. above:
- (1) Regarding the number of beehives allowed:
 - a. In an email received July 16, 2021, Dixie Jackson said that hives pose no threat to neighbors, and we need more hives, not fewer to support healthy bee-pollinated crops, prairie restoration, and pollinator gardens.
 - b. In a letter received July 19, 2021, Bruce Pea said that putting a limit on the number of hives would affect a beekeeper's ability to help the community by removing swarms. He said that he has had up to four hives at one time on his property on Elm Street in Champaign.
 - c. At the July 29, 2021 ZBA meeting, several beekeepers commented how they don't want to overcrowd the bees, and that they manage their bees on different lots. They did not want a limit on the number of hives, and they thought their own expertise and judgment was sufficient to determine how many hives they were comfortable with on any give property.
 - d. Bryan Miller testified on July 29, 2021 that he has 30 hives in Champaign and Urbana, with three to seven hives at each location. He said he thinks that four hives would be a good average, and he would be comfortable putting five hives on a 10,000 square feet lot.
 - e. Maggie Wachter testified on July 29, 2021 that she has previously kept eight hives at her house on West Illinois Street

behind a fence right next to Leal School and the bees never bothered anyone.

- f. Lesley Deem asked in her testimony on July 29, 2021, why doesn't the proposed amendment allow an additional three hives if a lot has an additional 10,000 square feet of lot area?
- g. At the August 26, 2021 ZBA meeting, Derald Seeds, a neighbor in Prairie View Subdivision, testified that he would like to limit the number of hives allowed on a property in residential areas.
- h. At the August 26, 2021 ZBA meeting, Roger Faulkner testified that he understands how important the pollinators are, and without pollinators the human race would be wiped out in as little as four years. He said that it is so important that they maintain as many hives as possible. He said that he thinks people would be surprised just how many hives that are around even without the beekeepers that are wild.
- i. At the October 14, 2021 ZBA meeting, Lesley Deem said she was comfortable going with more than four beehives on a property. She said that she can't take the beekeeper out of her, so she guesses that if she merged everything together, then she would go for an ordinance that would limit the number of beehives on each lot and didn't limit all the other specifications about the water sources, flyway barriers, and things like that.
- j. In an email received October 12, 2021, Barney Bryson said that an excessive number of beehives creates a nuisance in a neighborhood, and he feels five hives are too many.
- k. Ms. Joan Mathis said that she thinks there needs to be at least a restriction to four beehives on a lot.
- l. A limited review of beekeeping ordinances found the following limits on the number of hives per property:
 - (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) recommends 2 colonies (beehives) on a lot of one-half acre or less and an additional 2 colonies per additional one quarter acre of lot area up to 8 colonies on one acre to 5 acres and no limit on 5 acres or more, and also one nucleus colony per beehive.
 - (2) The Ohio State Beekeepers Association Model Ordinance recommends 2 colonies (beehives) on 7,000 square feet or less and one additional colony per each

- additional 3,000 square feet, and also one nucleus colony per beehive.
- (3) The *Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities* recommends a limit of two hives for 2,000 square feet of lot area and an additional two hives for each additional 2,000 square feet of lot area, which would total 10 hives on 10,000 square feet of lot area, and also two nucleus colonies per beehive.
 - (4) The Village of St. Charles IL allows no more than 2 beehives per property.
 - (5) Whitewater, WI allows no more than three colonies (beehives) per property, and also one nucleus colony.
 - (6) Lake County, IL allows two beehives on 10,000 square feet or less and one additional beehive for each additional 10,000 square feet, and also one nucleus colony per beehive.
 - (7) The American Beekeeping Federation recommends in their *Bee A Good Neighbor* to have no more than four colonies per each quarter acre of land.
 - (8) As originally proposed, the amendment limit was three beehives on 10,000 square feet or less lot area, with one additional beehive for each additional 10,000 square feet of lot area, and also one nucleus colony per beehive. The Zoning Administrator revised the limit to four beehives on 10,000 square feet or less lot area and one additional beehive for each additional 2,500 square feet of lot area.
- (2) Regarding a swarm being allowed for no more than 3 months:
 - a. In a letter received July 19, 2021, Bruce Pea said that if he already has the maximum number of beehives allowed by this proposed amendment and is fortunate enough to capture a swarm of free honey bees, according to the proposed amendment, instead of providing a safe and well managed home for these honey bees, he to get rid of them within 90 days of acquiring them. He said this adds cost to beekeeping because if he can't keep a free swarm, then he has to buy bees, which can cost more than \$100 for a packet.
 - b. At the August 26, 2021 ZBA meeting, Amanda Morgan testified that it took 2.5 months to get a new hive box for a

swarm they caught, so the limit on rehoming a swarm seems unreasonable.

- c. A limited review of beekeeping ordinances found the following limits on the keeping of swarm colonies:
- (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) recommends allowing a swarm colony for no more than 6 months in addition to other authorized beehives.
 - (2) The Ohio State Beekeepers Association Model Ordinance recommends allowing a swarm colony for no more than 30 days in addition to other authorized beehives.
 - (3) The *Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities* contains no standards for a swarm colony.
 - (4) St. Charles, IL has no standards for a swarm colony.
 - (5) Whitewater, WI allows a swarm colony for no more than 30 days in addition to other authorized beehives.
 - (6) Lake County, IL has no standards for a swarm colony.
 - (7) The American Beekeeping Federation in their *Bee A Good Neighbor* has no standards for a swarm colony.
 - (8) The proposed amendment allows a swarm colony for no more than 30 days.
- (3) Regarding proposed 30 feet separation between the hive and property line or principal structure on a neighboring lot:
- a. In a letter received July 19, 2021, Bruce Pea said that complying with all the proposed setbacks will pretty much guarantee the beehive being placed in a less than ideal location. Placing a beehive in a less than ideal location is bad husbandry, poor management, and puts fragile colonies under additional stress that will affect production, is unnecessary and most certainly not healthy for the bees.
 - b. At the July 29, 2021 ZBA meeting, Ryan Shosted said to transgress the property line or to have a particular distance from the property line, he doesn't know what the distance from the property line is going to do.
 - c. At the July 29, 2021 ZBA meeting, Lesley Deem said you can back a hive up close to the property line. She said it is not

necessarily the closeness to the property line, but where the flight path is for your set of bees.

- d. A limited review of beekeeping ordinances found the following requirements and recommendations for separation to principal structures on adjacent lots:
- (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) has no required separation.
 - (2) The Ohio State Beekeepers Association Model Ordinance has no required separation.
 - (3) The *Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities* requires a 10 feet separation to any building on adjacent property.
 - (4) St. Charles, IL has no requirement for a minimum separation to a building on adjacent property.
 - (5) Whitewater, WI requires a 30 feet separation to any principal structure on adjacent property.
 - (6) Lake County, IL requires a 30 feet separation to any habitable principal structure on adjacent property.
 - (7) The American Beekeeping Federation in their *Bee A Good Neighbor* has no recommended separation to a structure on adjacent property, but just a recommended separation to a property line.
 - (8) As originally proposed, the amendment required a 30 feet separation to any structure on adjacent property other than a garage or shed. The Zoning Administrator revised the amendment to require only 10 feet to any structure on an adjacent property except that no minimum separation is required when the bee opening to a BEEHIVE and/or NUCLEUS COLONY faces away from the lot line of that subject adjacent LOT.
- (4) Regarding a 4-foot high fence surrounding the beehives:
- a. In an email received June 24, 2021, Diane Kiddoo opposed requiring fencing with self-closing gates around beehives, saying it will make it difficult for the average home beekeeper to have colonies in their yards.
 - b. In an email received July 14, 2021, Annette Donnelly said that the fencing requirement would be expensive.

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- c. In an email received July 15, 2021, Kate Kelly feels that the proposed fencing would not be an effective answer because bees fly.
 - d. In an email received July 16, 2021, Chris Graham said a fence will not stop bees.
 - e. In a letter received July 16, 2021, Charles Ledford said that he estimates one new hive costs an established beekeeper \$700, not including startup tools and equipment. He said that adding the proposed 4-foot fence for his three hives would cost between \$2,100 and \$3,000, and fencing his other four hives would more than double this cost.
 - f. In a letter received July 19, 2021, Bruce Pea said that the proposed fencing would mean he will most likely have to place his beehives in a less than ideal location, and that will be an added expense.
 - g. At the July 29, 2021 ZBA meeting, Maggie Wachter, master beekeeper, said that the discussion of a fence requirement is another example of incomplete beekeeping knowledge because many hives swarm and live in the wild often in trees; wild bees live around them everywhere. She also said that under different circumstances she advises differently, but in town she advises beekeepers to put up a six-foot privacy fence around the area where they keep their bees; so that they fly up and over the trees and back down.
 - h. At the July 29, 2021 ZBA meeting, Lesley Deem, Director and teacher at the Pollinarium, said at the Pollinarium, they put a six-foot fence, only four-foot wide, and when the bees come out of their pipe, that forces them up and over the walking and driving path. She said having the fence directly in the flight path is the most important thing in the rules here; having the extra ten feet really doesn't help things a lot.
 - i. At the July 29, 2021 ZBA meeting, Robert Meyer, beekeeper, said he looked into the cost of a fence they're talking about, and came up with \$2,600 for a 10 feet by 10 feet cyclone fence that would cover three hives. He said that he is not making enough to put a \$2,600 fence around his bees; he's not even sure he wants to pay the \$33 fee to register his hive.
 - j. At the August 26, 2021 ZBA meeting, Lesley Deem testified that she had met with P&Z Staff and mentioned that regarding ten feet on each side of a beehive for the fence, the ordinance really doesn't need that either, they could have a smaller distance. She said that if the beekeeper wants them to fly over something, then they should put a six-foot fence in front of the

flyway path to put the bees up and over a sidewalk or a road for example.

- k. A limited review of beekeeping ordinances found the following requirements and/or recommendations for fencing of apiaries in residential districts:
- (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) does not require fencing.
 - (2) The Ohio State Beekeepers Association Model Ordinance does not require fencing.
 - (3) The *Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities* does not require fencing.
 - (4) St. Charles, IL has no required fencing.
 - (5) Whitewater, WI has no required fencing.
 - (6) Lake County, IL requires hives on lots less than 40,000 square feet in area to be enclosed by a four-foot high fence, wall, or hedge.
 - (7) The American Beekeeping Federation recommends in their *Bee A Good Neighbor* to use a small fence to keep people a safe distance from beehives.
 - (8) As originally proposed, the amendment required the apiary to have a four feet tall fence with a self-latching gate. The Zoning Administrator revised the amendment to require fencing only for apiaries with more than two beehives and the required height was reduced to only three feet in height. The fencing material was clarified to be poultry netting or equivalent and the gate was not required to be self-latching. A waiver of fencing was also added provided that owners of all bordering lots sign a waiver releasing the fencing requirement and submit the waiver to the Zoning Administrator.
- (5) Regarding the 6-foot high flyway barrier if a hive is located less than 16 feet from a property line:
- a. In a letter received July 19, 2021, Bruce Pea said that the proposed flyway barrier would mean he will most likely have to place his beehives in a less than ideal location, and that will be an added expense.

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- b. At the August 26, 2021 ZBA meeting, Lesley Deem testified that she had met with P&Z Staff and mentioned how she thinks a flyway path is more important than the distance from the property line, so in her opinion a hive can back right up to the property line, but usually she wants working and walking room behind the beehive. She said that four or five feet from the property line for her is fine, but it is where the beekeeper directs the flyway path that makes a bigger difference.
- c. A limited review of beekeeping ordinances found the following requirements and/or recommendations for flyway barriers for apiaries in residential districts:
- (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) requires a flyway barrier for any beehive within 25 feet of a property line. The flyway barrier must be at least six-feet in height and extend 10 feet parallel to the lot line in either direction from the hive.
 - (2) The Ohio State Beekeepers Association Model Ordinance requires a flyway barrier for any beehive within 25 feet of a property line except that no flyway barrier is required if the adjoining land is undeveloped or zoned agriculture. The flyway barrier must be at least six-feet in height and extend 10 feet parallel to the lot line in either direction from the hive.
 - (3) The *Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities* requires a flyway barrier for any beehive that is closer than 10 feet to a lot line except that no flyway barrier is required if the adjoining land is undeveloped or zoned agriculture or industrial. The flyway barrier must be at least six-feet in height and shall be placed within five feet of the entrance to the hive and shall extend at least two feet on either side of the hive. A flyway barrier may be a fence, vegetation, hedge, or some combination thereof.
 - (4) St. Charles, IL has no required flyway barrier.
 - (5) Whitewater, WI requires a flyway barrier for any beehive that is within 30 feet of a property line. The flyway barrier must be at least six-feet in height and must extend at least ten feet on either side of beehive. The flyway barrier may be a solid or closely slatted fence (no more than three inches between slats), wall, dense line of vegetation, or some combination thereof.
 - (6) Lake County, IL requires a flyway barrier for beehives on lots less than 40,000 square feet in area when the

bee opening to the beehive is oriented to an exterior property line. The flyway barrier shall be a six-foot high solid barrier of fence, wall, or dense shrub.

- (7) The American Beekeeping Federation recommends in their *Bee A Good Neighbor* that something tall should be placed a few feet in front of a hive that is within 10 feet of and facing a property line so as to direct the beeline up.
 - (8) As originally proposed, the amendment required a flyway barrier for any beehive located less than 16 feet from a lot line and the flyway barrier must be six-foot high and extend at least 10 feet on either side of the beehive and shall be a fence, wall, or dense vegetation. The Zoning Administrator revised the amendment to only require that the flyway barrier extend two feet past either side of the beehive (or nucleus colony) if located within 5 to 6 feet of the beehive opening. If it is not located in front of the beehive opening, the flyway barrier shall be located parallel to the nearest lot line for a distance of 8 feet on either side of the centerline of the beehive or nucleus colony, and no flyway barrier shall be required when the lot line borders land in the AG-1, AG-2, or CR DISTRICTS.
- (6) Regarding a minimum of two water sources:
- a. In a letter received July 19, 2021, Bruce Pea said that the proposed water sources would mean that he has to go and measure separation distance in his neighbor's yard, and he will be compelled to document to show that his water sources are in compliance with the proposed amendment's regulations.
 - b. At the August 26, 2021 ZBA meeting, Charles Ledford testified that the water sources that are stagnant promote mosquito-borne illnesses such as West Nile and Zika, so the proposed ordinance would create a new problem.
 - c. A limited review of beekeeping ordinances found the following requirements and/or recommendations for water sources for apiaries in residential districts:
 - (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) requires a convenient source of water so long as colonies remain active and outside the hive.
 - (2) The Ohio State Beekeepers Association Model Ordinance requires a convenient source of water so long as colonies remain active and outside the hive, and the water source must be closer than a neighboring

source of water where honey bees could become a nuisance.

- (3) The *Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities* requires that a supply of fresh water be maintained readily accessible to all bee colonies on the site from April 1 to November 1.
- (4) St. Charles, IL requires a convenient source of water within ten feet of the beehive and requires the water to be maintained so as not to become stagnant.
- (5) Whitewater, WI requires two water sources to be continually filled with water when bees are active outside and at least one of the water sources shall be located within 20 feet of the beehives.
- (6) Lake County, IL requires a supply of water to be continuously available on the property and closer than water sources on any adjoining parcel. The water source shall allow bees access to water by landing on a hard surface. The water requirement is in effect from April 1 to November 30 or when temperatures exceed 55 degrees for three consecutive days.
- (7) The American Beekeeping Federation recommends in their *Bee A Good Neighbor* that apiaries be provided with a constant supply of fresh water.
- (8) As originally proposed, the amendment required the apiary to have two sources of water to be continuously available in an apiary from April 1 to November 30 and all days in which temperatures exceed 55 degrees for three consecutive days, and to be located no further from a beehive than one-half the distance to any other possible water source on any adjacent lot. The type of water source to be provided shall be noted on the site plan. The Zoning Administrator revised the amendment to require two sources of water only in an apiary with more than two beehives; required that no water source be allowed to become stagnant or to become a breeding place for mosquitoes, and clarified that “continuously available” means that the water source shall not be allowed to run dry during daylight hours, but automatic refill using a connected water line or hose is not required.

AS APPROVED

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- (7) Regarding the \$33 registration fee per property:
- a. In a letter received July 19, 2021, Bruce Pea said that the fee is another level of bureaucracy and expense to keep his bees.
 - b. At the July 29, 2021 ZBA meeting, Robert Meyer, beekeeper, said that beekeeping is expensive, and the proposed restrictions would add costs. He said he's not even sure he wants to pay the \$33 fee to register his hive.
 - c. At the August 26, 2021 ZBA meeting, Charles Ledford reviewed his expenses as a beekeeping hobbyist, and said that there are some people who might not be able to afford the \$33 registration fee.
 - d. A limited review of beekeeping ordinances found the following requirements and/or recommendations for permit fees for apiaries in residential districts:
 - (1) The Minnesota Hobby Beekeepers Model Ordinance (2018) does not require any fee.
 - (2) The Ohio State Beekeepers Association Model Ordinance does not require any fee.
 - (3) The *Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities* does not require any fee.
 - (4) St. Charles, IL has no required fee.
 - (5) Whitewater, WI has no required fee.
 - (6) Lake County, IL requires beehives in residential districts to be registered, but does not require a fee.
 - (7) The American Beekeeping Federation in their *Bee A Good Neighbor* does not mention fees for establishing an apiary.
 - (8) As originally proposed, the amendment required a \$33 fee for the permit for an apiary. The Zoning Administrator revised the amendment to not require a fee to make it similar to other Neighborhood Home Occupations.
- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of LOT areas, and regulating and determining the area of open spaces within and surrounding BUILDINGS and STRUCTURES.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES.

The proposed amendment is consistent with this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is consistent with this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform.

The proposed amendment is consistent with this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit USES, BUILDINGS, or STRUCTURES incompatible with the character of such DISTRICTS.

The proposed amendment is consistent with this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is not directly related to this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban USES.

The proposed amendment is not directly related to this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is consistent with this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

- 17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:
 - A. A classification which allows beekeeping on residential properties while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.
- 18. At the December 2, 2021 ZBA meeting, Board members provided the following reasons why the proposed text amendment should be denied:
 - A. Marilyn Lee listed the following reasons:
 - (1) It was established at the first meeting that bees can fly over 12 miles.
 - (2) Bees are important to agriculture as well as urban gardens and flowers.
 - (3) The subdivision in question has a covenant prohibiting agriculture.
 - (4) It is established that beekeeping is agriculture.
 - (5) Legally speaking, in her opinion, the subdivision in question has an adequate legal remedy.
 - (6) This ordinance is adding unnecessary governmental regulation.

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- (7) The subdivision's adequate legal remedy is available in the future as well as now presently.
 - (8) This ordinance is an infringement on the Right to Farm legislation which was first enacted in 1981 in Illinois.
 - (9) Pursuant to Mr. Hall, this subdivision's problem with bees is the only incident in his tenure as head of the Zoning Department in an urban area.
 - (10) To extend these rules to the entire county, in her opinion, is not warranted.

B. Larry Wood made the following comments:

- (1) This text amendment has been an interesting exercise that we've all been through. He said that we all realize that the incident that we've had up at Prairieview Subdivision probably negatively affected some people, but unfortunately, beyond the one individual that had a lot of extra beehives on their property, he thinks that issue has been resolved. He doesn't know that the issue with insects has been resolved because insects are basically everywhere.
- (2) He said it doesn't make sense to him to have a very small portion of the county, the residential areas of the county adjacent to or within close proximity to other residential areas, that you have one rule for one and not the same rule for the other. He said if he were to make a suggestion to take to the Board, this is more of a community-wide issue and if you want to have some type of guidance or guidelines for bee husbandry in this community, you really ought to get the community together to make a decision about how all residences are treated equally.
- (3) He suggests that you do have, developed over experience of the beekeepers association, best practices already in place, and if we can follow those, you can deal with those issues.
- (4) He said that the bees don't care about arbitrary limits that humans create; they are going to go wherever there is food and water.
- (5) He said that he knows up in the Prairieview area, there are lots of colonies that are within a couple of miles of that area, and we don't really know whether that problem was created by all the bees that were there on one property – there is no way to prove that.
- (6) He said he doesn't agree with passing something like this that doesn't cover all residential areas; he thinks if we want to deal with it, we need to deal with it on a broader issue for the community, and the County needs to sit down and talk to municipalities here and decide on a common rule, if they are going to make any rules at all.
- (7) He thinks that the guidance you might get from the beekeepers association would be a good thing to follow; it's their experience, and it's their experience to know from a community perspective that the beehives ought to be placed where the bees have access to food and water, and that should be the common denominator for where you

place beehives. He said he thinks the beekeepers in attendance probably already discovered a lot of that through their experience, trial and error, over the many years we've had beekeepers here.

- (8) He said this one particular incident in Prairieview is the only incident he's aware of where we've had a potential nuisance problem from bees.
- (9) He said he lives out in the country, he's surrounded by woods and has a huge garden; he's not a beekeeper, but he has feral colonies around on his property, and all the insects are around, not just bees. He said every year he gets stung several times, but he's never been stung by a bee; it's been a wasp or a Yellow Jacket.
- (10) He said that he doesn't see a need to create a zoning issue for just a small portion of the residences in this county and not having a similar rule if we are going to have a rule at all for all of the residences. We have enough rules that are different among jurisdictions as it is.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 29, 2021, August 26, 2021, October 14, 2021, and December 2, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment **WILL NOT IMPEDE** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment **WILL NOT IMPEDE** the achievement of LRMP Goals 1 through 10.

2. The proposed text amendment **WILL** improve the Zoning Ordinance because it will:
 - A. **HELP ACHIEVE** the purpose of the Zoning Ordinance (see Item 16).

 - B. **IMPROVE** the text of the Zoning Ordinance (see Item 17).

3. Members of the Board provided justification for recommending denial of the text amendment. (see Item 18).
 - A. Marilyn Lee listed the following reasons:
 - (1) It was established at the first meeting that bees can fly over 12 miles.
 - (2) Bees are important to agriculture as well as urban gardens and flowers.
 - (3) The subdivision in question has a covenant prohibiting agriculture.
 - (4) It is established that beekeeping is agriculture.
 - (5) Legally speaking, in her opinion, the subdivision in question has an adequate legal remedy.
 - (6) This ordinance is adding unnecessary governmental regulation.
 - (7) The subdivision's adequate legal remedy is available in the future as well as now presently.
 - (8) This ordinance is an infringement on the Right to Farm legislation which was first enacted in 1981 in Illinois.
 - (9) Pursuant to Mr. Hall, this subdivision's problem with bees is the only incident in his tenure as head of the Zoning Department in an urban area.
 - (10) To extend these rules to the entire county, in her opinion, is not warranted.

 - B. Larry Wood made the following comments:
 - (1) The incident that we've had up at Prairieview Subdivision probably negatively affected some people, but unfortunately, beyond the one individual that had a lot of extra beehives on their property, he thinks that issue has been resolved.

- (2) It doesn't make sense to him to have a very small portion of the residential areas in the county have one rule and not the same rule for the other residential areas. This is more of a community-wide issue and you really ought to get the community together to make a decision about how all residences are treated equally.
- (3) There are best practices already in place that can deal with those issues.
- (4) He said that the bees don't care about arbitrary limits that humans create; they are going to go wherever there is food and water.
- (5) He said that he knows up in the Prairieview area, there are lots of colonies that are within a couple of miles of that area, and we don't really know whether that problem was created by all the bees that were there on one property – there is no way to prove that.
- (6) He said he doesn't agree with passing something like this that doesn't cover all residential areas; he thinks if we want to deal with it, we need to deal with it on a broader issue for the community, and the County needs to sit down and talk to municipalities here and decide on a common rule, if they are going to make any rules at all.
- (7) The guidance from the beekeepers association would be a good thing to follow; it's their experience, and it's their experience to know from a community perspective that the beehives ought to be placed where the bees have access to food and water, and that should be the common denominator for where you place beehives.
- (8) He said this one particular incident in Prairieview is the only incident he's aware of where we've had a potential nuisance problem from bees.
- (9) He said he lives out in the country, he's surrounded by woods and has a huge garden; he's not a beekeeper, but he has feral colonies around on his property, and all the insects are around, not just bees. He said every year he gets stung several times, but he's never been stung by a bee; it's been a wasp or a Yellow Jacket.
- (10) He said that he doesn't see a need to create a zoning issue for just a small portion of the residences in this county and not having a similar rule if we are going to have a rule at all for all of the residences.

DOCUMENTS OF RECORD

1. Legal advertisement for Case 014-AT-21
2. Preliminary Memorandum for Case 014-AT-21, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated September 28, 2020
 - C ELUC Memorandum dated April 26, 2021
 - D Public comments regarding problems with honey bees from the April 8, 2021 ELUC meeting
 - E Public handouts and a petition requesting adoption of a honey bee amendment from the April 8, 2021 ELUC meeting
 - F Public comments received between the May 6, 2021 ELUC meeting and July 19, 2021
 - Email from Leslie Revo received June 9, 2021
 - Email from Leslie McClintock received June 23, 2021
 - Email from Cassi Pearson received June 24, 2021
 - Email from Diane Kiddoo received June 24, 2021
 - Email from Angela Arnott received July 1, 2021
 - Email from Christopher Arnott received July 1, 2021
 - Email from Barbara Bleier received July 2, 2021
 - Email from Stephen Dolan received July 6, 2021
 - Email from Benjamin Clegg received July 12, 2021
 - Email from Annette Donnelly received July 14, 2021
 - Email from Kate Kelly received July 15, 2021
 - Email from Chris Harmon received July 15, 2021
 - Email from Kate Kelly received July 15, 2021
 - Email from Chris Graham received July 16, 2021
 - Email from Dixie Jackson received July 16, 2021
 - Letter from Charles Ledford received July 16, 2021
 - Email from Bill Studley received July 19, 2021
 - Email from Lucas Shaffer received July 19, 2021
 - Letter from Bruce Pea received July 19, 2021
 - Letter from Chris Mackey received July 19, 2021
 - Letter from Rena Wilson-Jones received July 19, 2021
 - G Example of petition sheets received the week of July 15, 2021
(full signature pages of petitions can be found on ZBA meetings website)
 - H Maps of Proposed Regulated Beekeeping Areas in unincorporated Champaign County created by P&Z Staff on July 12, 2021
 - I Land Resource Management Plan (LRMP) Goals & Objectives *(available on ZBA meetings website)*
 - J Proposed Nuisance Ordinance amendment *(not subject to revision or approval by ZBA)*
 - K Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 014-AT-21 dated July 29, 2021, with attachment:
 - Full text of the proposed beekeeping amendment dated July 29, 2021
3. Supplemental Memorandum #1 for Case 014-AT-21 dated July 29, 2021, with attachments:
 - A Legal advertisement
 - B Email from Chris Harmon received July 28, 2021
 - C News Gazette article dated July 29, 2021
 - D PowerPoint slides created by P&Z Staff for ZBA presentation dated July 29, 2021

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4. Testimony sheets received during July 29, 2021 ZBA meeting
 5. Supplemental Memorandum #2 for Case 014-AT-21 dated August 19, 2021, with attachments:
 - A Legal advertisement
 - B Email from Barney Bryson received July 30, 2021
 - C Email from Barney Bryson received August 18, 2021
 - D *510 ILCS 20 Bees and Apiaries Act*
 - E Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 014-AT-21 dated August 26, 2021, with attachment:
 - Full text of the proposed beekeeping amendment dated July 29, 2021
 6. Supplemental Memorandum #3 for Case 014-AT-21 dated October 5, 2021, with attachments:
 - A Legal advertisement
 - B Notes from P&Z Staff meeting with Lesley Deem on August 24, 2021
 - C Email and photos from Rachel Coventry received August 26, 2021
 - D Springfield, Illinois Hobby Beekeeping Ordinance (2012)
 - E Model Ordinance for the Keeping of Honey Bees in Pennsylvania Municipalities (2019)
 - F Bee a Good Neighbor Policy by Deborah Klughers, Certified Master Beekeeper dated November 18, 2019
 - G Illinois Beekeeping Best Management Practices by Illinois State Beekeepers Association dated March 2018
 - H Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 014-AT-21 dated October 14, 2021, with attachment:
 - Full text of the proposed beekeeping amendment dated July 29, 2021 and revised September 28, 2021
 7. Supplemental Memorandum #4 for Case 014-AT-21 dated October 14, 2021, with attachments:
 - A Comparison of R-1 requirements: original vs revised, created by P&Z Staff on October 13, 2021
 - B Emails received up to close of business on October 14, 2021:
 - Email from Chris Graham received October 8, 2021
 - Email from Barney Bryson received October 12, 2021
 - Email from Bill Studley received October 13, 2021
 - Email from Charles Glass received October 14, 2021
 8. Letter of opposition from Champaign County Farm Bureau received October 14, 2021
 9. Supplemental Memorandum #5 for Case 014-AT-21 dated November 23, 2021, with attachments:
 - A Case 014-AT-21 legal notice dated July 12, 2021
 - B Correspondence received up to close of business on November 22, 2021
 - Email from Chris Graham received October 18, 2021
 - Email from Karen Pruiett received October 26, 2021
 - C Revised Finding of Fact dated October 14, 2021 (previously distributed in Supplemental Memorandum #3)
 10. Email from Chris Graham received December 2, 2021

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County recommends that:

The Zoning Ordinance Amendment requested in **Case 014-AT-21** should **NOT BE ENACTED** by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

PROPOSED AMENDMENT REVISED OCTOBER 14, 2021

1. Add the following to Section 3. Definitions:

APIARY: The assembly of one or more COLONIES of HONEY BEES at a single location.

BEEHIVE: The receptacle or box inhabited by a COLONY of HONEY BEES that is manufactured for that purpose.

BEEKEEPER: A person who owns or has charge of one or more COLONIES of HONEY BEES.

BEEKEEPING: The keeping, raising, and management of one or more COLONIES of HONEY BEES.

COLONY: A BEEHIVE and its equipment, the HONEY BEES, honey combs and honey, and the brood.

HONEY BEE: All life stages and castes of the common domestic honey bee, *apis mellifera* species.

NUCLEUS COLONY: A small quantity of bees with a queen housed in a smaller than usual BEEHIVE box kept for a particular purpose such as queen management or pest management. A NUCLEUS COLONY shall not exceed one standard nine and five-eighths-inch deep ten-frame BEEHIVE body with no supers attached.

SWARM: A group of HONEY BEES, usually calm and with a queen, that have left a hive to find a new home.

2. Add footnote 29 to Section 5.2 Table of Authorized Principal Uses and indicate footnote 29 for “AGRICULTURE” for the R-1, R-2, R-3, and R-4 Districts, as follows:

29. BEEKEEPING in the R-1, R-2, and R-3 DISTRICTS and on LOTS with SINGLE or TWO-FAMILY DWELLINGS in the R-4 DISTRICT shall be authorized per the requirements of Section 7.8.

3. Add footnote 30 to Section 5.2 Table of Authorized Principal Uses and indicate footnote 30 for “AGRICULTURE” for the R-4 and R-5 Districts, as follows:

30. BEEKEEPING is not an authorized USE in the R-4 DISTRICT on LOTS with MULTI-FAMILY DWELLINGS and in the R-5 DISTRICT.

4. Add Section 7.8 as follows:

7.8 BEEKEEPING in the R-1, R-2, R-3, and R-4 DISTRICTS

A. In the R-1, R-2, and R-3 Residential DISTRICTS and on LOTS with SINGLE or TWO-FAMILY DWELLINGS in the R-4 DISTRICT, BEEKEEPING shall be authorized only as a HOME OCCUPATION and subject to the requirements of Section 7.1.1 except where the requirements of this Section are in addition to or exceed the requirements of Section 7.1.1, and shall be authorized

by a Zoning Use Permit in accordance with Section 9.1.2 of the Zoning Ordinance prior to establishment. The following exceptions are made to the requirements in Section 7.1.1:

1. The limitations on non-resident, non-family employees in Section 7.1.1A. notwithstanding, there are no limits on the number of employees that may be present or on the hours that employees may be present on the APIARY LOT.
 2. The requirements of Section 7.1.1B. notwithstanding, BEEKEEPING activities may be conducted outdoors on the APIARY LOT.
 3. Smoking used to calm HONEY BEES during APIARY activities shall not constitute a violation of Section 7.1.1G.
 4. The requirements of Section 7.1.1J. notwithstanding, empty BEEHIVES may remain outdoors so long as upright and maintained.
- B. All BEEKEEPING shall be in compliance with the State of Illinois Bees and Apiaries Act (510 ILCS 20/ 1 et. seq.) and all BEEHIVES and/or NUCLEUS COLONY shall be registered with the Illinois Department of Agriculture as follows:
1. A copy of the original Illinois Department of Agriculture Registration Certificate shall be provided to the Zoning Administrator prior to the issuance of the Zoning Compliance Certificate.
 2. The BEEKEEPER shall provide the Zoning Administrator with any changes or revisions to the Illinois Department of Agriculture Registration Certificate.
- C. BEEKEEPING shall be in compliance with the *Champaign County Nuisance Ordinance*.
- D. Number of BEEHIVES allowed.
1. On a LOT with a LOT AREA of no more than 10,000 square feet, four BEEHIVES shall be allowed. One NUCLEUS COLONY shall also be allowed for each authorized BEEHIVE.
 2. One additional BEEHIVE and one additional NUCLEUS COLONY shall be allowed for each additional 2,500 square feet of LOT AREA.
 3. Each NUCLEUS COLONY shall be moved, disposed of, or combined with an authorized COLONY within 45 days after the date it is acquired except that any NUCLEUS COLONY may be kept between August 15 and April 15 to mitigate winter bee losses.
 4. If the BEEKEEPER serves the community by removing a SWARM or SWARMS of HONEY BEES from locations where they are not desired, the BEEKEEPER may temporarily house the SWARM on the APIARY LOT in compliance with the standards set out in this ordinance and the Nuisance Ordinance for no more than 3 months from the date acquired, in addition to the other COLONIES allowed under this ordinance. One such SWARM may be housed at a given time on the APIARY LOT. The BEEKEEPER shall provide notice to the ZONING ADMINISTRATOR when the SWARM is temporarily established on the APIARY LOT and when the SWARM has been relocated to another location from the APIARY LOT.

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- E. Location of BEEHIVE and/or NUCLEUS COLONY on the LOT.
1. Minimum separation to LOT LINE.
 - a. Minimum separation to FRONT YARD. A BEEHIVE and/or NUCLEUS COLONY shall be located from any STREET RIGHT-OF-WAY no less distance than the actual FRONT YARD of the PRINCIPAL STRUCTURE but in no case shall the BEEHIVE and/or NUCLEUS COLONY be required to be more than 25 feet from any STREET RIGHT-OF-WAY.
 - b. Minimum separation SIDE and REAR YARDS. SIDE and REAR YARDS shall be a minimum of 5 feet except only a three feet separation is needed to any SIDE or REAR LOT LINE for a BEEHIVE and/or NUCLEUS COLONY with a bee opening that faces away from that LOT LINE. The location of the bee opening needs to be indicated on the site plan.
 2. Minimum separation to STRUCTURE. A BEEHIVE and/or NUCLEUS COLONY shall be located a minimum of 10 feet from any existing PRINCIPAL STRUCTURE on any adjacent LOT and any ACCESSORY STRUCTURE on any adjacent LOT such as a patio, gazebo, deck, swimming pools, or permanently affixed play equipment, but not including garages or sheds. This minimum separation shall not be required when the bee opening to a BEEHIVE and/or NUCLEUS COLONY faces away from the lot line of that subject adjacent LOT. The location of the bee opening needs to be indicated on the site plan.
 3. All proposed BEEHIVES and NUCLEUS COLONIES shall be indicated on the site plan for the Zoning Use Permit Application with dimensions to all LOT LINES and the location of the bee opening in each BEEHIVE and/or NUCLEUS COLONY shall also be indicated on the site plan.
 4. BEEHIVES may be replaced or changed over time without requiring a new Zoning Use Permit.
- F. Management practices
1. Fencing.
 - a. On a LOT with 40,000 square feet or less of LOT AREA, any BEEHIVE or NUCLEUS COLONY in an APIARY with more than two BEEHIVES shall be enclosed within a three-foot high welded wire or poultry netting fence, or equivalent, supported by steel or wood posts at not more than four feet on center spacing. If the top of the fence is supported by a nominal 2 x 4 board, the posts may be as much as eight feet on center. The fence must have a three-foot high gate that can be latched on the BEEHIVE side of the gate. The requirement for fencing will forever be waived if owners of all bordering LOTS sign a waiver releasing the fencing requirement and submit the waiver to the ZONING ADMINISTRATOR. Bordering LOTS shall not include lots separated by a STREET RIGHT OF WAY or ALLEY.
 - b. The fence shall be at least three feet from any BEEHIVE or NUCLEUS COLONY.
 - c. The fence may be replaced with a flyway barrier per Section 7.8 F.2. when the flyway barrier can serve the same purpose as a fence.

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- d. Any required fencing shall be indicated on the site plan for the Zoning Use Permit Application.
2. Flyway barrier.
- a. When any BEEHIVE or NUCLEUS COLONY is located less than 25 feet from a LOT LINE, there shall be a six-foot high flyway barrier (fence, wall, or dense vegetation) that is a minimum of 67% solid so as to discourage bee flight through the fence or wall or dense vegetation) as follows:
- (1) No flyway barrier shall be required when the lot line borders land in the AG-1, AG-2, or CR DISTRICTS.
 - (2) If the flyway barrier is located in front of the bee opening to the BEEHIVE or NUCLEUS COLONY and is located within 5 to 6 feet of the BEEHIVE or NUCLEUS COLONY, the flyway barrier need only extend two feet past either side of the BEEHIVE or NUCLEUS COLONY.
 - (3) If the flyway barrier is not located in front of the bee opening to the BEEHIVE or NUCLEUS COLONY per Section 7.8F.2.a.(2), the flyway barrier shall be located parallel to the nearest LOT LINE for a distance of 8 feet on either side of the centerline of the BEEHIVE or NUCLEUS COLONY.
- b. If dense vegetation is used, the initial planting may be only 4 feet in HEIGHT or a temporary solid fence or wall that is a minimum of 67% solid shall be used until the planting attains 4 feet in height.
- c. Any required flyway barrier shall be indicated on the site plan for the Zoning Use Permit Application and the location of the bee opening in each BEEHIVE or NUCLEUS COLONY shall also be indicated on the site plan.
3. Water source.
- a. Minimum required.
- (1) An APIARY with no more than two BEEHIVES shall have a source of water continuously available to the APIARY.
 - (2) Two sources of water shall be continuously available in an APIARY with more than two BEEHIVES.
 - (3) Continuously available means that the water source shall not be allowed to run dry during daylight hours but automatic refill using a connected water line or hose is not required.
 - (4) Any required source of water shall be located no further from a BEEHIVE or NUCLEUS COLONY than one-half the distance to any other visible water source on any adjacent LOT at the time of permitting.
- b. Water sources shall be continuously available from April 1 to November 30 and all days in which temperatures exceed 55 degrees for three consecutive days.

- c. Each water source shall be designed to allow HONEY BEES to access water by landing on a hard surface.
 - d. Water sources shall not be allowed to become stagnant or to become a breeding place for mosquitoes.
 - e. All required water sources shall be indicated on the site plan for the Zoning Use Permit Application. The type of water source including the type of hard surface to be provided shall be noted on the site plan.
 - f. Water sources may be replaced or changed over time without requiring a new Zoning Use Permit but any required water sources shall be equivalent to the water sources indicated on the original approved site plan.
- G. Any BEEKEEPING that exceeds any of the standards in paragraphs 7.8D. through 7.8F. may be authorized by SPECIAL USE Permit.

5. Add Section 9.3.1 G.6. adding Zoning Use Permit fee as follows:

- 6. Change of Use to establish BEEKEEPING in the R-1, R-2, R-3, or R-4 DISTRICT..... No fee