

CASE 014-AT-21

SUPPLEMENTAL MEMORANDUM #2

August 19, 2021

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance to establish beekeeping requirements as summarized in the full legal advertisement and summarized as follows:

1. Amend Section 3.0 Definitions by adding a definition for “apiary”, “beekeeping”, “honey bee”, “nucleus colony” and other related terms.
2. Add footnotes 29 to Section 5.2 Table of Authorized Principal Uses.
3. Add footnote 30 to Section 5.2 Table of Authorized Principal Uses.
4. Add new Section 7.8 Beekeeping in the R-1, R-2, and R-3 Districts, with new requirements for beekeeping.
5. Amend Section 9.3.1 G.6. by adding a \$33 Change of Use Permit Application Fee to establish beekeeping in the R-1, R-2, and R-3 Districts.

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator

STATUS

The P&Z Department received email from Barney Bryson on July 30th and August 18th (Attachments B and C).

Attachment D is the Illinois Bees and Apiaries Act (*510 ILCS 20*).

Attachment E is the revised Findings of Fact, which now includes a summary of public comments received during amendment development and meetings under Item 16.E.(2). All new text is in red underline.

The draft minutes from the July 29th ZBA meeting are available online at:
http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php.

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

LEGAL PUBLICATION: WEDNESDAY, JULY 14, 2021**CASE: 014-AT-21****NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE TEXT OF THE CHAMPAIGN COUNTY ZONING ORDINANCE**

CASE 014-AT-21

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to amend the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, July 29, 2021 at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition for the following:

Amend the Champaign County Zoning Ordinance as follows:

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, 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 and R-5 DISTRICTS.
4. Add new Section 7.8 Beekeeping in the R-1, R-2, and R-3 Districts, with new requirements including but not limited to the following:
 - A. 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.
 - 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 three beehives and for each additional 10,000 square feet of lot area there may be one additional beehive; and

- (2) One nucleus colony shall be allowed for each authorized beehive provided that the nucleus colony is moved or combined with an authorized colony within 30 days; and
 - (3) 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 10 feet and 30 feet to any street right of way, improved alley, or access easement, and 30 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 to be enclosed by a four-foot high fence or wall with a self-latching gate.
 - (2) Add a requirement for a minimum six-foot high flyway barrier for any beehive and/or nucleus colony located less than 16 feet from a lot line and require the flyway barrier to extend a minimum of 10 feet on each 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. 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.
5. Amend Section 9.3.1 G.6. by adding a \$33 Change of Use Permit Application Fee to establish beekeeping in the R-1, R-2, and R-3 Districts.

All persons interested are invited to attend said hearing and be heard. Please wear a mask if you are not vaccinated. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email zoningdept@co.champaign.il.us no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, JULY 14, 2021, ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802
Phone: 384-3708

Susan Burgstrom

From: John Hall
Sent: Friday, July 30, 2021 11:01 AM
To: Susan Burgstrom
Subject: FW: Last speaker and Derald

RECEIVED

JUL 30 2021

CHAMPAIGN CO. P & Z DEPARTMENT

From: Barney Bryson <bdbbryson@gmail.com>
Sent: Thursday, July 29, 2021 10:22 PM
To: John Hall <jhall@co.champaign.il.us>
Subject: Last speaker and Derald

Good morning John,

The last gentleman last night that spoke mentioned that the bees were gone from Renas as did others. Derald Seeds that lives across the street from Rena told him after the meeting that he had hoodwinked. Today Derald counted 5 beehives in her yard and those bees were working, you could see them, you could hear them buzzing. They will probably move those bees ASAP. I would suggest sending your inspector or even you yourself to Deralds and have him take you down the hedgerow and see them. I believe Derald, he has no reason to mistate what he saw. Interesting stories tonight. Do they all wonder off topic like that? Please don't tell me it's situational.

Thank you John,
Barney B.

Susan Burgstrom

From: Barney Bryson <bdbbryson@gmail.com>
Sent: Wednesday, August 18, 2021 12:17 PM
To: Susan Burgstrom
Subject: Please add to packet

A message sent proving the question that the gentleman had regarding my honesty and my pool being a frozen block of ice. He stated that bees would not venture any further than a few feet from their hive. That would suggest that the bees are in fact Rena' Wilsons. There will be a forthcoming print of temperature for that day in February. Please note the date on the email. I don't appreciate someone suggesting that I am misstating a fact when I am sworn in.

Thank you
Barney Bryson

Barney Bryson <bdbbryson@gmail.com>

February 25, 2021 5:21 pm

to rachel

The frass (poop) is being deposited on the windshield and body of vehicles 2/24/2021. The aggravating thing is I just washed them.

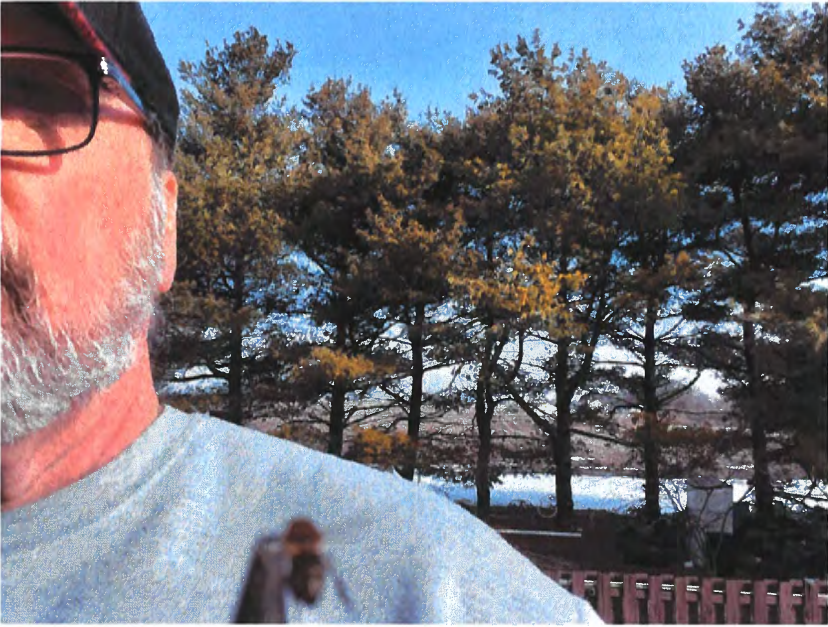
I went out to fill the bird feeder and found some bees on the pool deck and the upper deck. One was moving pretty slow (temperature) the others were caught yesterday. The collection of the ones I could easily find are on the snow pile. I am holding the slow mover (notice the snow in the field out back). Something has to give. I am concerned of the possibility that this neighborhood could get real ugly this summer.



RECEIVED

AUG 18 2021

CHAMPAIGN CO. P & Z DEPARTMENT



<https://www.accuweather.com/en/us/urbana/61801/february-weather/328764>

January 31, 2021 - March 6, 2021						
S	M	T	W	T	F	S
31	1	2	3	4	5	6
36°	32°	33°	36°	37°	31°	25°
32°	20°	18°	15°	22°	18°	7°
7	8	9	10	11	12	13
8°	16°	16°	20°	21°	19°	14°
-4°	5°	10°	10°	12°	9°	0°
14	15	16	17	18	19	20
7°	10°	12°	18°	21°	20°	28°
-2°	1°	-8°	-7°	2°	-4°	9°
21	22	23	24	25	26	27
40°	42°	52°	53°	46°	47°	56°
11°	31°	35°	29°	25°	26°	31°
28	1	2	3	4	5	6
60°	41°	47°	60°	50°	50°	53°
33°	26°	20°	33°	27°	23°	25°

ANIMALS
(510 ILCS 20) Bees and Apiaries Act.

(510 ILCS 20/1) (from Ch. 8, par. 123)

Sec. 1. This Act shall be known and may be cited as the "Bees and Apiaries Act".

(Source: P.A. 82-722.)

(510 ILCS 20/1a) (from Ch. 8, par. 123a)

Sec. 1a. Definitions. As used in this Act, unless the context otherwise requires:

"Abate" means the destruction or disinfection of bees, colonies, or items of bee equipment by burning or by treatment specified by the Department.

"Apiary" means a place where one or more hives or colonies of bees are kept.

"Bee diseases" means any infectious or contagious diseases of bees as specified by the Department, including but not limited to American foulbrood.

"Bee equipment" means hives, supers, frames, or any other devices used in beekeeping.

"Bee parasites" means any parasite of bees as specified by the Department.

"Beekeeper" means a person who keeps bees.

"Beekeeping" means the raising or producing of bees, beeswax, honey, and by-products and the transporting of bees, colonies or items of bee equipment.

"Bees" means the common honey bee, *Apis mellifera* (L) in any stage of its life cycle.

"Colony" means the entire honey bee family or social unit living together.

"Compliance agreement" means a written agreement between a registrant or other person handling or moving bees, colonies or items of bee equipment and the Department, in which the former agrees to specified conditions or requirements so as to remain in compliance with the terms of this Act.

"Department" means the Illinois Department of Agriculture.

"Director" means the Director of the Illinois Department of Agriculture or his or her authorized agent.

"Exotic strain of bees" means any developed strain of bees not known to be present ordinarily in the State as specified by the Department.

"Hive" means a frame hive, box hive, box, barrel, log gum, skep or any other receptacle or container, natural or artificial, or any part thereof, which is used or employed as a domicile for bees.

"Inspection certificate" means an official record stating that the bees, colonies, or items of bee equipment have been inspected by an inspector of apiaries or other officer charged with similar duties from this State or other states for bee diseases, bee parasites or other nuisances and found to be in compliance with this Act or Illinois entry requirements.

"Nuisance" means bees, colonies, or items of bee equipment where bee diseases, bee parasites or exotic strains of bees exist; or hives that cannot be readily inspected; or colonies that are not registered.

"Packages" means bees with or without food supply in special containers for their transportation.

"Permit" means a statement of authorization to allow bees, colonies, or items of bee equipment to enter the State or to move within the State whether or not an inspection certificate is available.

"Person" means any individual, firm, partnership, association, corporation, or other organized group of persons whether incorporated or not.

ANIMALS
(510 ILCS 20) Bees and Apiaries Act.

"Registrant" means the person applying for registration of the apiary or apiaries and the colonies of bees.

"Registration" means the recording of the registrant's name, address, apiary location and any other pertinent information on a printed form prescribed by the Department.

(Source: P.A. 88-138.)

(510 ILCS 20/2) (from Ch. 8, par. 124)

Sec. 2. (a) Every person keeping one or more colonies of bees shall register with the Department annually.

(b) Every person keeping one or more colonies of bees may be required to post his or her registration number in a prominent place within each apiary under his or her control.

(Source: P.A. 88-138.)

(510 ILCS 20/2-1)

Sec. 2-1. Nuisances. All bees, colonies, or items of bee equipment, where bee diseases, bee parasites or exotic strains of bees exist; or hives that cannot be readily inspected; or colonies that are not registered, are declared to be nuisances to be regulated as prescribed by the Department.

If the Department finds by inspection that any person is maintaining a nuisance as described in this Section, it shall proceed to regulate the nuisance by methods or procedures deemed necessary for control in accordance with rules and regulations of the Department.

If the owner or beekeeper cannot be found or will not consent to the terms for regulation of the nuisance, the Department shall notify in writing the owner or beekeeper, disclose the fact that a nuisance exists, and prescribe the method by which the nuisance may be abated. The notice declaring that a nuisance exists and ordering its abatement shall include:

- (1) a statement of conditions constituting the nuisance;
- (2) establishment of the time period within which the nuisance is to be abated;
- (3) directions, written or printed, pointing out the methods that shall be employed to abate the nuisance;
- (4) a statement of the consequences should the owner or beekeeper fail to comply.

The notice may be served personally or by certified mail with a return receipt requested. The directions for abatement of a nuisance may consist of a printed circular, bulletin or report of the Department, the United States Department of Agriculture or others, or an extract from such document.

If the person so notified refuses or fails to abate the nuisance in the manner and in the time prescribed in the notice, the Department may cause the nuisance to be abated. The Department shall certify, to the owner or beekeeper, the cost of the abatement. The owner or beekeeper shall pay to the Department any costs of that action, within 60 days after certification that the nuisance has been abated. If the costs of abatement are not remitted, the Department may recover the costs before any court in the State having competent jurisdiction.

(Source: P.A. 98-756, eff. 7-16-14.)

(510 ILCS 20/2-2)

Sec. 2-2. Indemnity. If State funds are available for paying indemnity, the Department shall pay to the registrant of the bees an indemnity of \$25 for each colony destroyed by the Department.

(Source: P.A. 88-138.)

(510 ILCS 20/2-3)

Sec. 2-3. (Repealed).

(Source: P.A. 88-138. Repealed by P.A. 89-154, eff. 1-1-96.)

ANIMALS
(510 ILCS 20) Bees and Apiaries Act.

(510 ILCS 20/2-4)

Sec. 2-4. Right of entry. The Department shall have the power to inspect or cause to be inspected from time to time any bees, colonies, items of bee equipment or apiary. For the purpose of inspection, the Director is authorized during reasonable business hours to enter into or upon any property used for the purpose of beekeeping.

(Source: P.A. 88-138.)

(510 ILCS 20/2a) (from Ch. 8, par. 124a)

Sec. 2a. Intrastate transportation.

(a) No person shall transport a colony of bees or items of used bee equipment between counties within this State without a permit or compliance agreement which shall be issued based upon an inspection certificate from the Department.

(b) A colony of bees or items of used bee equipment transported in violation of this Section may be held and inspected by the Department, ordered returned to the place of origin, or abated.

(Source: P.A. 88-138.)

(510 ILCS 20/2b) (from Ch. 8, par. 124b)

Sec. 2b. Import.

(a) No person shall transport a colony of bees or items of used bee equipment into this State from another State or country having an inspector of apiaries or other officer charged with similar duties, without a permit or compliance agreement which shall be issued based upon an inspection certificate. Such colony or items of used bee equipment may be subject to inspection by the Director upon entry into the State.

(b) No person shall transport a colony of bees or items of used bee equipment into this State from another State or country not having an inspector of apiaries or other officer charged with similar duties, unless the shipper or consignee has obtained from the Department a permit or compliance agreement for the shipment into the State. Such colonies or items of used bee equipment may be inspected by the Director after arrival in the State. A colony of bees or items of used bee equipment found to be infected with bee diseases or infested with bee parasites, or exotic strains of bees shall be ordered returned to the place of origin or abated.

(c) A colony or item of used bee equipment transported in violation of this Section may be held and inspected by the Department, ordered returned to the place of origin, or abated.

(Source: P.A. 88-138.)

(510 ILCS 20/2b-1)

Sec. 2b-1. Transportation of packaged bees.

(a) No person shall transport packaged bees for sale between counties within this State without an inspection certificate.

(b) No person shall transport packaged bees for sale into this State from another State or country without an inspection certificate.

(Source: P.A. 88-138.)

(510 ILCS 20/2b-2)

Sec. 2b-2. Inspection of bee colonies for sale or trade. The Department may require colonies of bees or items of used bee equipment being given, sold, leased, traded, or offered for sale in Illinois to be inspected.

(Source: P.A. 88-138.)

ANIMALS
(510 ILCS 20) Bees and Apiaries Act.

(510 ILCS 20/2c) (from Ch. 8, par. 124c)

Sec. 2c. Upon a finding that there exist in this State, or in any other state, territory, district, province or country bee diseases, bee parasites, or exotic strains of bees, the Director may impose and enforce a quarantine restricting the transportation of bees, colonies, or items of used bee equipment capable of carrying bee diseases, bee parasites or exotic strains of bees into, within or throughout the State. In carrying out the provisions of this Section or any quarantine, the Director may, at the expense of the owner, when an infestation, infection or nuisance is located, seize or abate bees, colonies, or items of used bee equipment.

When the Director finds that there exist in any other state, territory, district, province or country bee diseases, bee parasites or exotic strains of bees, with respect to which the United States Secretary of Agriculture has not established a quarantine, and that the bee diseases, bee parasites or exotic strains of bees coming therefrom into this State are likely to convey such diseases, infestations or nuisances, the Director shall report such fact to the Governor. The Governor may thereupon, by proclamation, prohibit the transportation into this State of such bees, colonies, or items of used bee equipment except under such regulations as may be prescribed by the Department.

(Source: P.A. 91-357, eff. 7-29-99.)

(510 ILCS 20/3) (from Ch. 8, par. 125)

Sec. 3. The Department shall, each July, make a report to the Governor and also to the Illinois State Beekeepers' Association, stating the number of apiaries visited, the number of those diseased and treated, and the number of colonies of bees abated.

(Source: P.A. 88-138.)

(510 ILCS 20/3a) (from Ch. 8, par. 125a)

Sec. 3a. The Director may cooperate with any other agency of this State or its subdivisions or with any agency of any other state or of the federal government for the purposes of carrying out the provisions of this Act and of securing uniformity of regulations.

(Source: P.A. 82-722.)

(510 ILCS 20/4) (from Ch. 8, par. 126)

Sec. 4. (Repealed).

(Source: Repealed by P.A. 88-138.)

(510 ILCS 20/4a)

Sec. 4a. (Repealed).

(Source: P.A. 88-138. Repealed by P.A. 89-154, eff. 1-1-96.)

(510 ILCS 20/5) (from Ch. 8, par. 126.1)

Sec. 5. The Director is authorized to promulgate rules and regulations for the enforcement and administration of this Act.

(Source: P.A. 82-722.)

(510 ILCS 20/6)

Sec. 6. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act and the Department of Agriculture administrative hearing rules shall apply to this Act.

(Source: P.A. 89-154, eff. 1-1-96.)

ANIMALS
(510 ILCS 20) Bees and Apiaries Act.

(510 ILCS 20/7)

Sec. 7. Administrative hearings and penalties. When an administrative hearing is held, the hearing officer, upon determination of a violation of this Act or rules or regulations promulgated under it, may levy the following administrative monetary penalties:

- (1) \$50 for failure to register annually with the Department.
- (2) \$50 for failure to post registration number in the apiary.
- (3) \$50 for transporting bees intrastate without a permit.
- (4) \$100 for maintaining hives that cannot be readily inspected.
- (5) \$100 for transporting bees interstate without a permit.
- (6) \$500 for failure to abate colonies infected with bee diseases or exotic strains of bees.
- (7) \$500 for violation of a quarantine.
- (8) \$100 for any other violation of this Act.

In the case of a second or subsequent violation within 3 years of the first offense, the penalty shall be doubled.

(Source: P.A. 89-154, eff. 1-1-96.)

(510 ILCS 20/8)

Sec. 8. Investigation of applicants and registrants; notification of hearing; subpoenas.

(a) The Department may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts, investigate the actions of any applicant, registrant or any person who may be in violation of this Act. At least 10 days prior to the date set for hearing the Department shall notify in writing the person, hereinafter called the respondent, that on the date designated a hearing will be held to determine whether the respondent is in violation of the Act, and shall afford the respondent an opportunity to be heard in person or by counsel. Written notice shall be served personally on the respondent, or by certified mail, return receipt requested, sent to the respondent's business address as shown in his or her latest notification to the Department.

(b) The Department, over the signature of the Director, may subpoena any persons in this State and take testimony orally, by deposition, or by exhibit, in the same manner and with the same fees and mileage as prescribed in judicial proceedings in civil cases.

(Source: P.A. 89-154, eff. 1-1-96.)

(510 ILCS 20/9)

Sec. 9. Administrative review. All final administrative decisions of the Department are subject to judicial review under Article III of the Code of Civil Procedure. The term "administrative decision" has the meaning ascribed to that term in Section 3-101 of the Code of Civil Procedure. Proceedings for judicial review shall be commenced in the circuit court of any county permitted by Section 3-104 of the Code of Civil Procedure.

(Source: P.A. 89-154, eff. 1-1-96.)

DRAFT REVISED 08/19/21

014-AT-21

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: ***{RECOMMEND ENACTMENT/RECOMMEND DENIAL}***

Date: ***{August 26, 2021}***

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

- 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, 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 and R-5 DISTRICTS.**
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 - A. Beekeeping shall be authorized only as a home occupation and shall be authorized by a Zoning Use Permit.**
 - 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 three beehives and for each additional 10,000 square feet of lot area there may be one additional beehive; and**
 - (2) One nucleus colony shall be allowed for each authorized beehive provided that the nucleus colony is moved or combined with an authorized colony within 30 days; and**

(3) 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 10 feet and 30 feet to any street right of way, improved alley, or access easement, and 30 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 to be enclosed by a four-feet high fence or wall with a self-latching gate.

(2) Add a requirement for a minimum six-feet high flyway barrier for any beehive and/ or nucleus colony located less than 16 feet from a lot line and require the flyway barrier to extend a minimum of 10 feet on each 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. 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.

5. Amend Section 9.3.1 G.6. by adding a \$33 Change of Use Permit Application Fee to establish beekeeping in the R-1, R-2, and R-3 Districts.

CONTENTS

Finding of Fact 2 - 19

Summary Finding of Fact 20

Documents of Record..... 21

Final Determination..... 22

Proposed Amendment 23 - 26

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 29, 2021, and August 26, 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:

- (1) Sara (no last name) 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.

DRAFT REVISED 08/19/21

- (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

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

DRAFT REVISED 08/19/21

- 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) Brian 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.

- (9) Leslie Deem is the Director and teacher at the Pollinarium 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

DRAFT REVISED 08/19/21

knows, no one in these subdivisions has more than ten hives in one place.

- i. 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.
- 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.
- (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.
- (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, Leslie 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.
- (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 be hives, 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.
- 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, Leslie 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

DRAFT REVISED 08/19/21

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.

(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.

(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.

(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.

- 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.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 29, 2021, and August 26, 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).

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
 - 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
4. Testimony sheets received during July 29, 2021 ZBA meeting
5. Email from Barney Bryson received July 30, 2021
6. Email from Barney Bryson received August 18, 2021
7. 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

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 ***{BE ENACTED / 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

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, and R-3 Districts, as follows:

29. BEEKEEPING in the R-1, R-2, and R-3 DISTRICTS 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 and R-5 DISTRICTS.

SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

Principal USES	Zoning DISTRICTS															
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2	
AGRICULTURE, including customary ACCESSORY USES				29	29	29	30	30								

4. Add Section 7.8 as follows:**7.8 BEEKEEPING in the R-1, R-2, and R-3 DISTRICTS**

- A. In the R-1, R-2, and R-3 Residential Districts, 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.
- 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, three BEEHIVES shall be allowed. One NUCLEUS COLONY shall also be allowed for each authorized BEEHIVE. Each NUCLEUS COLONY shall be moved, disposed of, or combined with an authorized COLONY within 30 days after the date it is acquired.
 2. For each additional 10,000 square feet of LOT AREA one additional BEEHIVE and one additional NUCLEUS COLONY shall be allowed. Each NUCLEUS COLONY shall be moved, disposed of, or combined with an authorized COLONY within 30 days after the date it is acquired.
 3. 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.
- E. Location of BEEHIVE and/or NUCLEUS COLONY on the LOT.
1. Minimum separation to LOT LINE. A BEEHIVE and/or NUCLEUS COLONY shall be located a minimum of 30 feet from any STREET RIGHT-OF-WAY, adjoining improved ALLEY, or easement for purposes of ingress or egress and a minimum of 10 feet from all other LOT LINES.

2. Minimum separation to PRINCIPAL STRUCTURE. A BEEHIVE and/or NUCLEUS COLONY shall be located a minimum of 30 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.
 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.
 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 shall be enclosed within a four-foot high fence or wall with a self-latching gate.
 - b. The fence shall be at least three feet from any BEEHIVE or NUCLEUS COLONY.
 - c. 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 16 feet from a LOT LINE there shall be a six-foot high flyway barrier (fence, wall, or dense vegetation) that shall extend a minimum of 10 feet on each side of the BEEHIVE or NUCLEUS COLONY entrance.
 - b. If dense vegetation is used the initial planting may be only 4 feet in HEIGHT.
 - c. Any required flyway barrier shall be indicated on the site plan for the Zoning Use Permit Application.
 3. Water supply.
 - a. Two sources of water shall be continuously available to the APIARY and shall be located no further from a BEEHIVE or NUCLEUS COLONY than one-half the distance to any other possible water source on any adjacent LOT.
 - 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. 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.
 - e. 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 7.8 D. through F. 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, or R-3 District: \$33