

MINUTES OF THE PLANNING AND ZONING COMMISSION

DATE: May 1, 2014

TIME: 6:30 pm

The regular meeting and public hearing of the Planning and Zoning Commission was held on the above date and time in City Council Chambers, third floor of City Hall with the following members present: Tom Baird (Vice-Chair), Jim Hansen, Shelby Lawhon, Jason Ray, Phil Young, Gabrielle White, Melissa Cox, and David Shuler. Staff in attendance: Ralph Rognstad, Director of Planning, Bob Hosmer, Principal Planner; Nancy Yendes, City Attorney; Ron Colson, Public Works, Sandy Goddard, Administrative Assistant. Absent: Matt Edwards.

ROLL CALL:

APPROVAL OF MINUTES: The minutes of April 3, 2014 were tabled to the next Planning and Zoning meeting.

Mr. Hansen motioned to **table** the minutes of April 3, 2014 to the next Planning and Zoning meeting, June 5, 2014. Mr. Lawhon **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Hansen, Ray, Young, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Edwards.

COMMUNICATIONS:

Mr. Hosmer relayed there is a Planning and Zoning Workshop/Training session scheduled May 15, 2014 for Commission members in the 4th floor conference room of the Busch Building at 6:00 p.m.

FINALIZATION AND APPROVAL OF CONSENT ITEMS:

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| 1. Initiate Perimeter Landscaping Amendments
(City-Wide) | City of Springfield |
| 2. Subdivision Variance #347
(2559 North Delaware) | BTC Properties, LLC |
| 3. Acquire 505
(2814 North Fremont Avenue) | Springfield Public Schools |
| 4. Acquire 506
(900 North Jefferson Avenue) | Springfield Public Schools |
| 5. Relinquish Easement 807
(1475 North National Avenue) | Diversity Commercial Investments |

Mr. Lawhon motioned to **approve** the Consent Agenda items. Mr. Young **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Hansen, Ray, Young, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Edwards.

PUBLIC HEARING:

6. Z-08-2014 w/Conditional Overlay District No. 71 (1850 East Cairo Street)

Doug Marrs; Great Southern Bank

Mr. Hosmer stated the applicant, Great Southern Bank, is proposing to rezone the property from an R-TH, Residential Townhouse District to an HC, Highway Commercial District with Conditional Overlay District #71. Approval of this application would be consistent with City Council's approval of the rezoning of property west and south of the subject property from R-TH to HC in June 2013. The applicant is proposing to use the property for parking for the Great Southern Bank Operations Facility to the north and in the future for office uses. The Conditional Overlay District will limit the uses on the subject property to commercial off-street parking lots and the general office use group. The Conditional Overlay District will also require additional right-of-way to be dedicated for Cairo Street and construction of sidewalk along the property frontage. Mr. Hosmer stated staff recommends approval.

Mr. Baird opened the public hearing.

Mr. Josh Livingston, 1968 E. Chestnut Expressway, commented he is representing the applicant and is available for questions.

Mr. Baird closed the public hearing.

Mr. Hansen motioned to **approve** Z-08-2014 w/Conditional Overlay District No. 71. Mr. Lawhon **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Hansen, Ray, Young, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Edwards.

7. Beekeeping Amendments (City-wide)

City of Springfield

Mr. Hosmer stated the purpose if this request is to amend *Subsection 1-1331, Agricultural Uses*, in the *Springfield Zoning Ordinance* to allow beekeeping as an accessory use in any district under certain conditions. Planning and Zoning Commission initiated amendments to modify the requirements for beekeeping so that it can occur on properties of less than 20 acres at their meeting on February 20, 2014. Staff believes that that beekeeping is a sustainable practice that benefits the community. Currently, all agricultural uses except chicken coops with not more than six (6) chickens must be located on property with at least 20 acres. After review of other urban municipalities including Seattle, Denver, Salt Lake City and Kansas City, staff has developed proposed amendments that will allow beekeeping and also protect the public by requiring setbacks and screening in certain situations.

Staff spoke with the Code Compliance Inspection Division for the City of Seattle, and they reported only two violations of their beekeeping ordinance in the last twenty-five years. Seattle's beekeeping ordinance has been in effect since 1978. Staff was not able to get responses regarding enforcement from the other cities in a timely manner. One of the major issues identified with beekeeping is the health-related concerns

regarding severe allergic reactions to bee stings. The U.S. Center for Disease Control reports that only 3.3 percent of adults will experience anaphylaxis after an insect sting and there are on average 40 to as many as 100 deaths annually from insect-sting-related anaphylaxis.

Mr. Hosmer noted the proposed amendments allow two honey bee hives, each with only one colony, for lots under 10,000 square feet (an average lot size) as an accessory use in any zoning district. An additional honey bee hive containing one colony is allowed for each additional 5,000 square feet of lot area. Beekeeping will not be permitted as a primary use on a property unless it is located on property of at least 20 acres in size.

The proposed amendments will allow hives to be placed in the front yard if they are located behind the required front yard setback or at least 20 feet from the front lot line whichever is greater. Hives will require a five (5) foot side and rear yard setback. The proposed amendments do not require a license or fee for keeping bees. Staff is proposing a screening such as a fence, wall or other barrier, which may be vegetative, and at least six (6) feet in height, be placed between the property line and the honey bee hives. If the hives are located at least twenty (20) feet from the property line, then staff is proposing that screening is not required. Staff recommends approval.

Mr. Young asked the definition of a hive.

Mr. Hosmer noted the Beekeepers Association would be able to answer that question.

Mr. Hansen questioned if the cities mentioned in the staff report allow bees mentioned the CDC are reports of problems.

Mr. Hosmer stated yes they do; the City of Seattle has been keeping bees since 1978 and has not had any problems with beekeeping. Beekeeping is a complicated, hard task. Mr. Hosmer stated that people do have allergic reactions just like wasps and other insects.

Mr. Lawhon asked if Seattle had similar conditions to what is being presented to Commission this evening.

Mr. Hosmer said yes they did; staff modeled the proposed amendment from the City of Seattle than any other city. Staff chose what they determined would work best for the City of Springfield, but the majority was from Seattle.

Mr. Lawhon asked if there was any input from local beekeepers to arrive at this and if this is acceptable to them.

Mr. Hosmer stated yes; staff met with local beekeepers and worked with them on the language of the amendment.

Mr. Young asked if there was any thought given, or if the City of Seattle had that issue as well, where they could combine chickens and bees.

Mr. Hosmer noted the City of Seattle has bees and chickens and other small animals they allow.

Mr. Baird opened the public hearing.

Mr. Paul Cimino, 626 E. Sunshine, spoke in opposition to the beekeeping amendment. Mr. Cimino stated he is aware of the value and benefit of bees, but they do not have place in the city with neighborhoods, schools. Mr. Cimino noted that he objected to an illegal beehive in the backyard of a neighbor. Last summer bees began to swarm on their water fountains in their yard and the fountain had to be shut off and let it go dry so the bees go looking for other sources of water. That is unacceptable in the city; they do not have a place here. It is not good to integrate them with people, especially with people that don't know how to take care of them.

Mr. Baird asked how long the neighbor has had the beehive on their property.

Mr. Cimino stated he didn't look around the neighborhood until the beginning of last year when he saw the increased activity and then the bees began to swarm; he concluded the bees were coming from somewhere and began checking the neighborhood and saw the beehive. This beehive was not protected, or enclosed or surrounded by vegetation.

Mr. Bruce Snively, 508 Casady Dr., Republic stated he is speaking in favor of this proposed amendment. He represents two beekeeping associations; the local one here in Springfield as past president of the Beekeeping Association of the Ozarks and then stated he also serves as area Director for Southwest Missouri for Missouri State Beekeepers Association. There is a growing interest among all ages for beekeeping. There is an association in Kansas City that does have an ordinance that allows beekeeping. St. Charles passed an ordinance a few years ago allowing five (5) hives on a residential lot. Mr. Snively stated that he is currently working with a home owner here in Springfield close to Sunshine across the street from an elementary school where there is a beehive in a tree that has existed for several years. Bees travel a mile to two (2) miles in any direction from their colony so it would be hard pressed to say that bees in one particular backyard are coming from a particular hive unless you are able to trace those bees as they travel back to their colony. There are several members in the audience tonight that are members of the state organization. Mr. Snively stated he would answer questions.

Mr. Young asked Mr. Snively to explain how big a hive is or what defines what a hive is.

Mr. Snively stated a hive would be considered a colony residing in a vertical stack of boxes or there are also horizontal hives in a horizontal box. One colony is a hive set up, whether it is vertical or horizontal. There is one queen; the population of a hive is smaller during the winter and come March and April, there is an expansion of the hive so beekeepers will add additional boxes to their setup to accommodate the growing population of a hive. In the fall, the queen slows down or stops laying eggs and the population goes down again.

Mr. Young asked what happens if this ordinance says there can be a maximum of two (2) hives depending on the size of the yard; you go to two (2) hives and it is full, come spring, there wouldn't be any room for more hives. Do the excess bees die or they go elsewhere. If there is a standard set and someone determines they need an extra box and try and sneak it in to accommodate the new bees.

Mr. Snively said what they teach in their associations is management of hives. Yes there are hives already in the city limits but we teach a more manageable approach to maintain the hives. Yes, you add additional boxes to a hive, but it is still one hive. Boxes and honey boxes are added to collect the honey and then the beekeepers will harvest the honey come August. The number of boxes is decreased so there may only be two (2) boxes during the winter time in a hive setup but there may be within that vertical stack

five (5) or more boxes within that stack.

Mr. Hansen asked if there are two hives, two colonies, and the bees need more room and they develop another queen, and they swarm then what happens.

Mr. Snively stated that within their associations, they teach hive management for swarm control. There are manageable ways to keep a hive from swarming. If a hive is ready to swarm, the beekeeper would have to split the hive and simply take the hive someplace else. If there is a maximum of two (2) hives on a lot then that beekeeper would need to split that hive and move it someplace else.

Mr. Hansen asked if that was standard procedure for growing the hive.

Mr. Snively stated that is correct, or the beekeeper sells them or gives them away to another beekeeper.

Mr. Hansen noted it is fairly easy then to manage a hive so it stays a single colony.

Mr. Snively stated he thinks so.

Mr. Baird stated that they are defining two hives per ten (10,000) square feet; Mr. Snively mentioned adding boxes. How many boxes can you have and still have one hive. Can you add as many boxes as you want and it is still technically one hive.

Mr. Snively stated not as many as you want; the queen and what we call the brood, that's the baby bees, the eggs are all pretty much confined to boxes on the bottom of the hive. That may be two (2) boxes or it may be one (1) box. Then on top of those two (2) boxes you stack honey supers, which is another box, but that is what the bees store the excess honey in. In that configuration, the average would be two (2) additional boxes on top of the brood boxes for honey. If it's a good productive hive, there may be three boxes of honey, but the average beekeeper has a surplus of two (2) to three (3) boxes of honey, so that would make a configuration of approximately four (4) to five (5) boxes.

Mr. Lawhon asked Mr. Snively how he would respond to someone like Mr. Cimino that says that keeping bees is not appropriate in an urban environment.

Mr. Snively stated that he knows people who have kept bees in an urban environment and been successful at it in combination with, for example, a community garden that helps the garden thrive and produce the kind of crops they want to raise. The intent of the beekeeping associations are to be an educational organization in the community to teach good management principals of beekeeping. There are ways that beekeepers need to communicate with their neighbors and explain things and be sensitive to local neighbor issues relating to beekeeping. Mr. Snively stated he personally does not see it as an issue in the urban setting because bees are not aggressive like other insects such as wasps. Bees are intent in finding forage primarily for nectar and pollen; they are going to the plants within a one (1) to two (2) mile radius of their hive to find that nectar. Mr. Snively stated he lives in a nearby community that does not disallow bees and it does not legally allow bees, but the city attorney has determined that bees are allowed as long as they are not a public nuisance to neighbors.

Mr. Lawhon asked Mr. Snively how he would respond to someone who may have a fear either real or imagined of a bee sting as a safety issue and the probability of that happening.

Mr. Snively stated there are beekeepers in the association that handle bees that have allergic reactions; they take the necessary precautions while handling bees with protective gear or carry EpiPens with them as a precaution for other people who may be around. The case of whether someone has a hive next to your home or not, if you are allergic to a sting, you still take the necessary precautions to protect yourself. Bees can come into someone's back yard even if they are located a mile from your house. Mr. Snively stated that he personally contacted an emergency room here locally at one of the large hospitals in town and received data over the past two (2) years and asked them about the number of incidents related to insect stings. The data was that out of roughly two hundred-fifty incidents a year, there were under thirty (30) incidents out of five hundred (500) that related to stings. There was no differentiation between the sting of a wasp, hornets, yellow-jackets, scorpions, and bumble bees. So what is the percentage out of thirty incidents of that being honey bees. It's minimal.

Ms. Cox noted that Mr. Snively had mentioned earlier that he was helping a family with a bee hive in a tree nearby a school asking him to elaborate more on what he is helping them to do.

Mr. Snively stated he is trying to relocate the hive out of the tree into a hive box where he could move the colony out of their backyard. That is a difficult task. The hive has survived just fine within that tree for at least two (2) years. Mr. Snively stated the home owner contacted him, telling him another family was moving into the house with an eight year old boy and maybe the new owner would want that hive removed instead of spraying and killing the colony, which they did not want to do. He has since spoken with the new home owner and found out there is not a concern on their part with the hive staying there. But he will still try and relocate the hive.

Ms. Cox said to clarify, the bee hive is not a nuisance at this particular point, it is just a concern that it might be to the new home owner. This is a natural hive; in a backyard hive, you mentioned two (2) to three (3) boxes, is there the ability to keep a hive smaller if so chosen or is that determined by the bees so to speak.

Mr. Snively stated both. If a beekeeper chooses they can maintain the size by dividing the hive into another colony. That would be one way of keeping one hive smaller, but beekeepers like a thriving hives because the population of bees determines to some extent the amount of honey that's produced within the hive.

Mr. Ray stated that he took the gentleman at his work who spoke earlier that he had issues with a nearby hive swarming in his back yard. If that were to happen, is there a process for someone to contact the city about bees that go into their area. If someone got desperate enough to deal with the bees themselves, would there be legal issues for destroying someone's property or animals. Where does this fall.

Mr. Snively said he could not speak to the legal issue, but noted that they collect swarms all over town every year. There is a swarm list on the website and they are called numerous times throughout the spring, and we are right in swarm season right now, to come and collect a swarm from someone's property. It is not hard to get a beekeeper to come fairly quickly; there is someone who processes those calls within the club. There is a swarm list of at least thirty (30) individuals in the areas, and the areas they will collect swarms are on the website. When a swarm is taking place, the bees are the most docile during that process. Many beekeepers do not wear protective clothing during swarms because the bees digest a lot of honey from their colony, they gain about forty (40) percent of body weight so they can take that honey, as a reserve, to their new home. Not many stings happen when you handle swarms.

Mr. Ray asked if the City has an official method for handling this.

Ms. Yendes stated this is going to be a use by right, so we would have to establish under some other City Ordinance a nuisance, which we do not have currently that we could ticket someone under. We may need to draft one if we find there is a problem. This isn't like a barking dog that you have a specific ordinance for. Because this is a use by right the administrative procedure we normally use for people in violation of the zoning ordinances aren't going to work. It will have to be a case by case analysis; it will take thirty (30) days to get a hearing, once something has been established, and may result in private legal action between neighbors over interfering with the enjoyment of one's property.

Mr. Hansen asked if the City has a list of beekeepers for swarm control.

Mr. Snively stated their website has a list of swarm catchers and their contact numbers at OzarksBeekeepers.org. There is also a phone number on the website that someone answers fairly quickly during the daytime.

Mr. Rognstad stated the City keeps a lot of resources and where those resources can be located and staff can make certain they know where that information is located.

Mr. Young asked for a clarification of why bees swarm.

Mr. Snively stated the bees swarm primarily because of a congestion issue where they reside; whether that be a tree or a beekeepers hive. There are trees here in the City that have swarms happen every year from the same tree. A queen is laying a thousand (1000) to fifteen hundred (1500) eggs a day during the build-up time of the year and so they don't any place to expand their home, their cone within their hive, so the colony raises new queens itself, and then approximately forty (40) percent of that hive leaves with the old queen. The new queen stays in that colony so you can have one or a couple of swarms take place out of the same tree, for instance. The congestion issue is what really causes the swarm. They go looking for a place to make their new home.

Mr. Jeff Maddox, 3140 E. Mimosa, Unit G, Springfield, commented he is the current president of the Beekeepers Association of the Ozarks and makes his living keeping bees and a significant part of his living is picking up the bees in town. Mr. Maddox stated that 911 has his phone number and call him when they get a swarm. Mr. Maddox stated he is in support of this amendment to the ordinance. The issues that Commission has rightfully brought up are being addressed already and are taken care of quite easily. The benefits of bees are well documented; fruits and vegetables are pollinated by honey bees. Local producer suppliers use to hand pollinate the squash, then the honey bees came in next door and they don't have to pollinate anymore and have an abundant supply of produce. Mr. Maddox stated that to answer Mr. Lawhon's question about people who have concerns about bees; he would show them pictures of neighborhood children standing around him, watching him open the bee hive, asking if they can hold a drone (a male with no stingers).

Mr. Hansen asked if he had any idea the number of hives within the city.

Mr. Maddox stated no, that is not part of the business and as an association they cannot endorse illegal hives.

Mr. Baird asked for the uneducated person regarding bees, the concern is that if Commission approves this amendment allowing this to happen inside the city, then obviously there will be more bees in the city and therefore more issues. How do you see this as a positive for the city.

Mr. Maddox stated the same what you see a positive with chickens or rabbits; it allows people to keep their own food, makes for a happier, healthy lifestyle and brings financial gain to each household. As has been addressed previously, the swarms are picked up and dealt with; good management techniques reduce most of those issues to very low percentages. You rarely see it in well managed hives. There is a yearly beekeeping school with the beekeepers association; we teach them how to handle their bees, management techniques so that swarming doesn't happen.

Mr. Baird questioned Mr. Maddox about providing education within the public schools, stating the key to this is education.

Mr. Maddox stated one of the main goals of the Beekeepers Association of the Ozarks is public education about bees. We attend multiple functions throughout the year; Mr. Maddox said he does several presentations a year to the grade schools in the area. We talk to gardening associations, home owners associations even college classes.

Ms. Lucy Stillwell, 190 Missouri Drive, Strafford commented she is vice-president of the Beekeepers Association and is support of the amendment. Ms. Stillwell commented that she and her husband have two hives in their backyard, thirty feet from their swimming pool adding they are pestered more by horseflies and dragonflies in the pool than by their bees. It has not been an issue and they have had them there for four (4) years.

Mr. Donald Plevka, 1036 W. State, Springfield spoke in favor of the amendment.

Ms. Melissa Scholly, 4106 S. Tipparary, Rogersville noted that to have bees or any animal, there needs to be responsibility to know how to care for them. Ms. Scholly stated that if this goes forward, she believes there should be something in place to make certain that people who have bees know how to take care of them.

Ms. Tiffany Requa, 2433 E. Langston Street, expressed her support of the proposed amendment.

Mr. David Culbert, 3363 N. Wildan Ct., expressed his support of this proposal. He has been in beekeeper for five (5) years. He believes that being a responsible beekeeper is important; communicate with people and have an informed community. We have dropped from having five million hives in this country in 1940, to today having two and one-half million and the greatest portion of that two and one-half million hives are the hobbyist, the people that do backyard bees.

Ms. Sarah Kuhlman, 1503 E. Delmar, offered support for the amendment.

Mr. Stuart Kuchie, 1227 S. Ventura, stated he is a new beekeeper and there is quite a bit of cost in keeping and maintaining bees. It can be costly and requires a great deal of time. Mr. Kuchie questioned what the penalty will be for violations of the beekeeping ordinance.

Ms. Yendes commented that the penalty is up to a one thousand (\$1000) dollar fine, one-hundred eighty

(180) days in jail, assuming staff could find an ordinance to ticket them under.

Mr. Baird asked the current recourse for the city if someone has an illegal beehive.

Ms. Yendes stated looking at the City Code, under 74-382, providing breeding places for insects might constitute a nuisance, possibly a zoning violation for an illegal use which has a whole range of penalties. This will not be a zoning ordinance violation. This would have to be a regular City Code violation for a nuisance. If the health department wanted to pursue this for providing a breeding area for insects, they might be able to do it that way.

Mr. Kuchie asked if the ordinance for animal control would be amended.

Ms. Yendes said that when the urban chicken ordinance was done, Chapter 18 was changed to create a possible nuisance for the chickens. That is not a zoning ordinance; we have talked about adding a provision involving Chapter 18, which is our normal nuisance before sending this forward to Council and so that the Health Department could feel comfortable about going out and dealing with a hive that has become a nuisance in the neighborhood.

Ms. Valerie Nichols, 9118 N. Farm Road 141, stated that she was the past secretary of the Beekeepers Association. Ms. Nichols stated that possibly they could help push this issue through and get a more positive aspect of it if we could require a beekeeper to go through a beekeeping class for certification that they have been properly instructed and educated in the care of bees.

Mr. Ray asked if there were other cities that had a permitting process or required an education certificate of some sort.

Mr. Hosmer stated most did not, handling it in the fashion the City is proposing in this amendment. The City of Seattle for over the twenty-five (25) year period they have had beekeeping, they only had two (2) violations. The City has hundreds of violations a year from cats and dogs. Requiring permits is an additional cost to the beekeeper and staff enforcement, which is how staff looked at this.

Mr. Baird asked Mr. Cimino if what he has an issue with is the fact the City wants to allow bees or is there something in the ordinance that could be strengthened that would make Mr. Cimino and the general public more comfortable allowing bees in the city.

Mr. Cimino stated that education is the key to the success or failure of this issue. If the neighbor living next to him with the bees, were to keep within the guidelines of this proposal, she would not qualify. The policing of this without unrestricted education not only to protect the bees but the neighbors in the community is so important. It took a police officer to go to this neighbor and enforce this lady to move her bees. Mr. Cimino said he was in support of a requirement of taking a class and getting a certificate to show that the beekeeper knows what they are doing is.

Ms. Nan Holland, 523 E. Pacific St. Apt. 2, commented she is not in favor of this amendment from a public safety standpoint. According to the City Attorney, currently there isn't a punitive measure for this issue. This proposal is not appropriate for the city.

Mr. Ray asked Ms. Holland if there was an education component or an enforcement component added to

the proposal if she would be in favor of it.

Ms. Holland stated that yes, adding that there are those that are educated in the law, but choose not to follow it. We cannot govern people's behavior. What's to make certain that process or education actually turns into actual action to protect the public.

Mr. Mark Scott, 5421 North Owl Ridge Lane, commented he is in favor of this proposal. There are many feral bees within the city limits of Springfield. Their club gets at least one hundred (100) swarm calls each spring, within the city limits of Springfield. That's one hundred different trees or buildings that have feral bees. All the redbud trees he has observed around the city have at least five hundred (500) honey bees on them, from somewhere. If you add another one hundred or more hives, however many this new ordinance might incorporate, you will not change the balance of how many honey bees are in the city of Springfield.

Mr. Baird asked what constitutes a swarm of bees.

Mr. Scott stated a swarm of bees is what comes out of a hive in the spring when they make an extra queen and come out looking for a new home.

Mr. Baird asked if bees tend to go in groups because an earlier speaker mentioned a swarm and you referenced a group of bees moving to another place.

Mr. Scott stated that what this person probably saw was the bees going to a water source.

Mr. Hansen commented that his impression of a swarm is a collection of bees trying to find another home, whereas his impression of hornets or yellow jackets is a group of insects coming after him. A swarm of bees is something entirely different from that.

Mr. Scott stated that the honey bees have eaten honey and they are going to fly and cluster and eventually find a new home.

Ms. Rae Dedmon, 3140 E. Mimosa, #G, commented she supports this proposal. Springfield has grown in our cultural and educational activities that we offer our communities. This is just one of those additional benefits we can offer. The farmers markets have grown and this is something that will benefit the community.

Mr. Wayne Roscher, 1682 E. 562nd Road, Brighton, stated that he is a beekeeper and he feels that possibly requiring a permit for someone interested in keeping bees, who has obtained a certificate, would be a good solution to this issue.

Mr. Baird closed the public hearing.

Mr. Rognstad stated that the City can't issue a permit for fifteen (\$15.00) dollars.

Mr. Baird asked what the process would be if Commission recommended there some sort of application.

Mr. Rognstad said Commission could make a recommendation to City Council and they would look at the request. We try to avoid putting a burden on people of a permit and we do try recover the cost of issuing a

permit and it cannot be done for fifteen (15.00) dollars. What we do every year is a fee study to determine how much it costs the City to issue a permit. Modifying the nuisance ordinance so it specifically addressed beekeeping is something that could be done. Similar to chickens, we would rely on people to complain about a nuisance. The proposed ordinance reads that you can have two hives on ten thousand (10,000) square feet or less so you have a lot of five thousand (5000) square feet and you could have two (2) hives. There is no real minimum size on the lot. Most lots will be five to seven thousand square feet at a minimum.

Mr. Baird asked why there would not have been a minimum on the square footage of the land in which you can have hives.

Mr. Rognstad commented they felt there should be some limit but Seattle does not have any limits, and Seattle allows four (4) hives. We tried to be conservative.

Mr. Baird asked when the City was researching this, were there any locations that were having more issues than what they thought they would have with this issue or any negative feedback.

Mr. Rognstad stated no; it all seemed to be similar to Seattle. They might have a couple of complaints over twenty-five years. They were not aware of anyone who changed the ordinance to get rid of the bee hives. Mr. Rognstad stated that if Commission wants to take something forward to change the nuisance ordinance, staff could write something up and it could go forward to Council. The nuisance ordinance isn't part of the zoning so that doesn't need to come before this body. It is important that people are educated, but the problem would be there is no certified bee school.

Mr. Young asked if the public could come to the City and fill out a form and register and the City maintains it, so there is a record of who and where a hive is located in the City.

Mr. Rognstad stated the City does not do any proactive enforcement.

Mr. Young stated he felt it was important the City have this information asking if there was anything done similar for chickens.

Mr. Rognstad said no. The City relies on people complaining a nuisance.

Mr. Lawhon stated that his philosophy as a Commissioner is to be permissive unless there is some substantial overriding negative concern or consequence, so with that in mind, is this appropriate. Is there anything in this that compels him to say no to this amendment and he does not see anything in this; from what he has heard and what he has read, it is extremely minimal to the point of being insignificant. It is an individual's responsibility and accountability to seek education in this matter. Mr. Lawhon stated this would be a positive for the City and plans on supporting this request.

Mr. Baird asked if Commission needs to address the nuisance issue within this body or let it go on to Council.

Ms. Yendes stated that after the vote, if Commission wanted to make a recommendation that the City look at an enforcement code, we will draft something that will go simultaneously with this to Council. Ms. Yendes noted that she has been reading and found that a number of northern Texas cities that have great

enforcement ordinances, such as you are a nuisance unless you have a water source within so many feet and if you interfere with the peaceful enjoyment of a neighbor, then you are a nuisance. Staff can draft something such as that and will go to same Council meeting as this zoning ordinance, so if you want to make a recommendation to Council that this might be one of those uses that they would want to look at enforcement.

Mr. Hansen stated that there are questions of what about and what if and a specter is easily raised with bees or birds or anything. There are minor incidents of bee/human interaction to the negative. People do keep bees and do it because they are thoughtful and careful and he will support this issue.

Mr. Young stated that he was one of those that voted against having chickens when the issue was presented some time ago. Education is an important thing; that is the common thread among most of the comments tonight. Mr. Young stated that he likes this, and believes it is a good thing and will support it.

Mr. Ray motioned to **approve** the Beekeeping Amendments. Mr. Hansen **seconded** the motion. The motion **carried** as follows: Ayes: Baird, Hansen, Ray, Young, Lawhon, White, Cox, and Shuler. Nays: None. Abstain: None. Absent: Edwards.

Mr. Ray asked about the enforcement issue.

Ms. Yendes stated that Commission can make a recommendation to Council that they look at an enforcement mechanism for how the bees are used on the property.

Mr. Ray said so moved.

Mr. Hansen stated that we put in the minutes of the meeting that enforcement is a concern to Commission.

There being no further business, the meeting was adjourned at approximately 8:41 p.m.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', written over a horizontal line.

Bob Hosmer, AICP
Principal Planner