



Marion County

OREGON

PLANNING COMMISSION MINUTES

PLANNING COMMISSION

Carla Mikkelson – Chair
Dennis Person – Vice Chair
Stanley Birch
Chris Enquist
George Grabenhorst
Mike Long
Rick Massey
Gary Monders
Britany Randall

DATE: October 30, 2018
TIME: 6:30 p.m.
PLACE: Senator Hearing Room, 555 Court St. NE, Salem

Present: Carla Mikkelson, Stanley Birch, Dennis Person, Gary Monders, Chris Enquist, Mike Long, Britany Randall
Absent: Rick Massey and George Grabenhorst

Chair Mikkelson called the meeting to order and announced a change in the agenda.

1. Work session on proposed request to allow residential bee-keeping.

Brandon Reich, Senior Planner, briefly explained that the Board of Commissioners, earlier this year, received a request on this item, stemming from a legislative change that allows local jurisdictions to consider allowing residential bee-keeping within urban residential growth boundary areas. If deciding to allow, the county can also adopt standards. Brandon continued that the City of Salem is considering allowing beekeeping in residential zones. There are citizens here tonight that would like to testify on this topic. He also reminded everyone that any action taken tonight is a recommendation to the Board of Commissioners. Dennis Person asked where the city is in the process and Brandon replied that the city is just starting to review this issue. Chris Enquist asked if any other counties have considered this area and Brandon replied he wasn't sure.

Harry Vanderpoole, 7128 Skyline Rd. S., Salem, testified he is a past president of the Salem Beekeeping Association. He testified that his organization has been involved in going to cities, over the past 20 years, to discuss issues related to beekeeping. There are beekeepers all over Salem and the county unaware that beekeeping is actually not allowed. His organization has never had an issue with backyard beekeeping, but occasionally receives some complaints from neighbors to commercial operations. Mr. Vanderpoole testified on the importance of bees for pollination and as a resource for schools, neighborhoods, etc. Dennis asked if beekeepers stay a certain distance from property lines and Mr. Vanderpoole responded there aren't any set distances. Stanley Birch replied a previous neighbor had bees and he never knew it and has no problem with the idea. Gary Monders asked about number of hives considered a hobby and Mr. Vanderpoole responded some cities have a 5 hive limit and that seems reasonable to him. Keeping at least 2 is a minimum.

Ralph Rodia, 4194 12th St. Cutoff, SE, Salem, testified he has been a beekeeper for at least 20 years. There are rarely complains on bees and the issue is really yellow jackets or wasps but not honey bees. Nuisance rules are currently used in the City of Salem, Hubbard allows three hives, and other jurisdictions have a ban. He feels the ban is because, roughly 40 years ago, the county decided not to allow farming in residential zones and that included beekeeping. But this was commercial beekeeping and not backyard beekeeping which didn't really exist back then. He would like the Zone Code changed to allow residential hobby beekeeping of up to 5 hives. If the county needs to enforce, then use nuisance regulations. Mr. Rodia also testified that having setbacks really isn't effective because bees fly around. SB2653 set up the requirement to have jurisdictions look at allowing residential beekeeping as the rules adopted years ago really don't apply anymore. He commented about this being a hobby, reacting to neighbors issues to resolve problems, League of Oregon City guidelines for residential beekeeping, and that honey bees are not yellow jackets. He would like to propose residential beekeeping be allowed as long as the property owner only has 5 hives but don't include more rules. Mr. Birch asked about maintenance of 5 hives and Mr. Rodia responded it is actually easier with residential hives as there is so much food source available within their 1-2 mile area. The only issue that may come up is that too many hives may result in less honey. He discussed that at a certain number of hives it becomes too much work for most hobby beekeepers.

David Lindquister, 4603 Goldenrod St., Salem, testified there are concerns about the loss of honeybees and beekeepers and would like to see the county support this type of activity. He has kept bees in the Jan Ree area for around 4 years and provided background on his experiences, including a complaint from a neighbor and how that was addressed. He feels the concerns are a perception issue and the county should allow this as the city is considering allowing it and other cities already have. Britany Randall asked what kind of outreach the county should do if residential beekeeping is allowed? Mr. Lindquister replied getting the word out, similar to what the county dog shelter does, would help as well as show that the county supports beekeeping. Also provide information on how to reduce the chance of getting stung, talking with neighbors, etc. Ms. Randall asked if he feels it should be allowed outright or require some type of approval process and Mr. Lindquister replied he didn't really have a preference on the approval.

Gail Elliott, 3941 Capshaw Rd SE, Salem, testified she moved into a house that had deteriorated and she put in a lot of vegetation and flowers and then watched bees, including a bee fight. She is not a beekeeper but enjoys them in her yard and uses raw honey as an antibiotic and has never had any problems. Ms. Elliott testifies she hopes the county allows beekeeping in residential areas.

Fritz Scirven, 6694 Rippling Brook SE, Salem, testified he has been a beekeeper for 35 years and at one time had over 80 hives. He supports the attempt by the legislature and various cities and counties for beekeepers. Mr. Scirven worked for DEQ for over 13 years and responded to only about 25 complaints in that entire time.

Marjorie Eyrie, 19500 N Hwy 99, Dundee, testified she and her husband started beekeeping in 1962 and have a self-service honey stand just outside Dundee. She has done a lot of educational outreach to schools and assures people about bees. Ms. Eyrie testified she is in support of all kinds of pollinators, and not just honeybees.

Spencer Lindquister, 4603 Goldenrod St. SE, Salem, testified there is a beekeeper 2 blocks from him that has no regulations from the city. If the cities within Marion County are allowing beekeeping he doesn't understand why the county would want to restrict them and the impact to people's gardens, health benefits, etc.

There being no further testimony, Chair Mikkelson thanked everyone for coming. She continued that she grew up on a farm and has had bee stings but has noticed over the years the lack of honeybees. Neighbors have a commercial bee operation but she's never had any problems. She then related a story about lack of bees in China and as a result of destruction of bees people had to hand-pollinate. From testimony, she feels there isn't much concern but wants to know how to reduce those issues.

Ms. Randall stated she feels, with local community gardens being encouraged and the issue with lack of bees, the county should encourage beekeeping. Mike Long concurred and stated it seems 5 hives is a good maximum, allow it outright and use nuisance complaints to regulate. He encouraged the group that testified to educate neighbors, local children, etc. Mr. Monders stated he agrees with Mr. Long to limit the number of hives but no additional regulations. He grew up with hives and agreed that honeybees don't sting. He added there won't be that many people that will decide, if this is allowed, to have a hive, given all of the work involved.

Mr. Person made a motion that the Planning Commission recommend to the Board of Commissioners to allow beekeeping in residential zones, up to 5 hives, using nuisance complaints to regulate, but no additional regulations. The motion was seconded and passed, 7-0.

2. Public Hearing

- Receive testimony on proposed amendments to the Marion County Urban and Rural Zone Codes

There was no one signed up or present to testify.

Brandon Reich, Senior Planner, briefly went through his staff report outlining the proposed amendments that will cover legislative changes made through 2017, as well as a few staff recommended changes. Ms. Randall asked about 17.119.210, Transfer of Conditional Use, and does it run with the land and transfer? Mr. Reich replied it can, depends, and that can be stated in the decision. Ms. Randall asked if it should automatically run with the land unless otherwise conditioned and does that need to be clarified? The group briefly discussed and Brandon replied staff will look at that and Ms. Randall suggested looking at the language in Salem's code.

Mr. Person asked about the mandatory changes and Brandon replied there can be minor changes. The group briefly discussed the staff recommended changes and Ms. Randall commented it all looks good. Brandon clarified, from discussion at the previous work session, that in the Public zone certain information is required for cell towers but not done with a land use application. The change is simply to clarify.

Ms. Randall made a motion that the Board of Commissioners adopt the proposed amendments, with the exception of 17.119.210 to revise the language to make it more clear regarding

Transfer of Conditional Uses. The motion was seconded and passed, 7-0.

Mr. Fennimore provided a brief update on the DLCD work group on solar siting. DLCD wants rules for everyone to consider at a certain date but that probably isn't going to happen. This group is encountering the same problems as the county solar work group with the desire to protect farmland versus the industry needs. Mr. Fennimore concluded that the state and county groups will continue to meet.

3. Adjournment.

There being no further business, the meeting was adjourned.