

Albemarle County Planning Commission
June 26, 2018

The Albemarle County Planning Commission held a public hearing on Tuesday, June 26, 2018, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair, Julian Bivins, Jennie More, Karen Firehock, Bruce Dotson and Bill Palmer, UVA representative. Absent was Daphne Spain and Pam Riley, Vice-Chair.

Other officials present were Chris Perez, Senior Planner; Cameron Langille, Planner; Bill Fritz, Manager of Special Projects; Andrew Gast-Bray, Assistant Director of Community Development/Director of Planning; Sharon Taylor, Clerk to Planning Commission and John Blair, Deputy County Attorney.

Call to Order and Establish Quorum

Mr. Keller, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

The meeting moved to the next agenda item.

Public Hearing

ZTA-2018-00004 Beekeeping

The Planning Commission will hold a public hearing on June 26, 2018 at 6:00 p.m. in the County Office Building, 401 McIntire Road, Charlottesville, Virginia 22902, to receive comments on its intent to recommend adoption of the following ordinance changes to the Albemarle County Code: Amend Section 18-3.1 to add a definition of urban beekeeping; Amend Sections 18-12.2.1, 18-13.2.1, 18-14.2.1, 18-15.2.1, and 18-16.2.1 to list urban beekeeping as a by right use, and add Section 18-5.1.63 to establish supplementary regulations for urban beekeeping to establish setback regulations for beehives, a warning sign requirement, prohibition of wax combs and other material left on the grounds that might encourage robbing by other bees, beekeeping equipment regulations, and establishing a maximum number of bee colonies pursuant to a lot's size. A copy of the full text of the proposed ordinance amendments is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Bill Fritz)

Mr. Fritz said in interest of full disclosure that he was a beekeeper in the city. He presented a PowerPoint presentation to summarize the staff report for ZTA-2018-00004 Beekeeping. This amendment would allow beekeeping on residentially owned property subject to performance standards. The amendment does not impact beekeeping in the Rural Areas zoning district. To develop this we reviewed regulations in other localities in Virginia and across the country. The proposed ordinance is a collection of best practices utilized in other localities. Because of the habits of bees in the regulations in the ordinances across the country were very similar we went to Alaska, New York, Mississippi and Texas and they were very similar regulations. He thanked the County Attorney's Office for the help they provided in doing that.

Mr. Fritz pointed out that the diagram borrowed from another locality helps show where the hives could go and includes and establishes setbacks from the property lines and structures; 30' setback from

structures that are not under the control of the beekeeper; provisions for physical barriers if the hive is between 10' and 30' from the property line; standards for the orientation of the hive entrance; prohibits hives from being located in the front yards; requires signage to notify people of the presence of bees; prohibits improper storage of equipment and requires maintenance of hives and it limits the number of hives based on lot size.

Mr. Fritz said there are also some interesting provisions for elevated hives, which would be rooftop hives or like the one at the White House a few years ago where you raise bees on elevated platforms. He noted that it mimics them being in a tree and we have regulations for that also and he would be happy to answer any questions.

Ms. Firehock said she was always thinking of the public safety and that this is just simply allowed as long as you put your hive in the right place. She asked what if you have a neighbor that is allergic to bees and is there a way that the public can be notified that their neighbor wants to keep bees.

Mr. Fritz replied that there would be no notice other than the signage that would be on the property to alert people to the presence of bees and a contact number. He said "what we are trying to do with these regulations because of the habits of bees by placing the hive following these regulations the impact on the adjoining property, yes there are going to be more bees in the neighborhood but you are not in the fly way or in the immediate environment of the bee colony so there would be no interaction. But, it does increase the overall population of bees."

Ms. Firehock asked about the barrier.

Mr. Fritz replied that he would describe the setup that he had. If you are more than 10' but less than 30' from the property line you have to put a physical barrier up and that physical barrier can take the form of a vegetative barrier at least 6' tall or a solid fence at least 6' tall. He said for a fact he can run his lawnmower on the other side of the fence adjacent to the bees and they have no idea that I am there. He pointed out by the time the bees are flying in that direction they have had to climb up to at least 6' tall so they are going over the heads of anybody who is on the other side.

Mr. Bivins asked how one handles attracted nuisances. He said we also, if not in the city, the sort of bear going across at Hydraulic over to 24th and if you live in the developed part of the county, which I do, I have a bear that comes across my property every two years, a male, and a female whichever number of cubs she has the other two. Therefore, one year it is a male and the other year it is a female and two cubs and I live near Albemarle High School. He asked how would one deal with a hive being an attracted nuisance.

Mr. Fritz replied that it does not treat it any differently than the garbage can that is also an attractive nuisance to the bear, skunks and raccoons.

Ms. More pointed out in our neighborhood we have at least three people that have hives and have at least one bear and never heard of trouble with their hives since it is the trash that the bear goes after.

Mr. Fritz said that he was unaware of any and had done some reading on this and never heard of any urban bear incidents but rural bear incidents yes.

Ms. Firehock said this is only for the officially designated urban area, and Mr. Fritz replied that it would only be for the residential districts; the rural areas would still be because it is considered agriculture and they could have an unlimited number of hives without any limitations on location or anything else.

Mr. Keller opened the public hearing and invited public comment. Hearing none, he closed the public hearing to bring the matter before the Commission for discussion and action.

Mr. Dotson said seeing that the city does not have any stipulations that makes me look, ask do we really need them, and so let me ask you about three of them. He said that his experience with bees is my son in a suburban quarter acre lot in Richmond, the person next door has two hives and no problem, and there are no barriers, signs or none of the things we are talking about, and asked why we need barriers.

Mr. Fritz replied that most beekeepers try to be responsible and do not want to impact their neighbors. However, there may be instances and we wanted to make sure that we had provisions if they were a nuisance and they were orienting their hives in the wrong direction or placing them too close that we did have ways to address that conflict between two neighbors.

Mr. Dotson asked why not in in the front yard.

Mr. Fritz replied we found that to be a regular consistent regulation across the board and I will tell you that I hesitated with that yes you could theoretically do it you are starting to get closer to areas where people are active and where they are going to be doing it. Again, like the farmer's market that we discussed and if someone wanted to do it and they had a great setback or something they would be able to go before the Board of Supervisors and ask for that special exception to say my house sets so far back that I should be allowed to do this in this particular case.

Mr. Dotson said the third one is improper storage and maintenance of equipment and it says like peeling paint of the hive. He would expect that was getting into new territory since we do not regulate peeling paint in other structures.

Mr. Fritz replied that he almost took that section out; that, again, was a common provision that we found elsewhere. He said part of what you are doing there by having the proper storage is you are trying to prevent robbing by leaving equipment out since you can encourage other bees to come and they can potentially get into a frenzy, which you are trying to prevent that. The other thing is that by improperly storing hive equipment, you can inadvertently capture additional hives and you then have too many hives where they would be in the wrong place. He noted if you leave an empty hive out a swarm goes out looking for a new place to live and they find this empty hive and decide to live here and so that is part of the proper storage of equipment.

Ms. Firehock asked if this would be enforced by zoning inspectors.

Mr. Fritz replied that it again is more likely to be an issue where someone has left equipment out and you are going to have other issues of improper storage on the site that you are getting towards a junkyard kind of thing.

Mr. Blair said the provision we had talked about when constructing this is every now and then you have a hobbyist who simply abandons the hobby and leaves the equipment out and that can attract some more.

Mr. Fritz agreed and so what you want is to have it put away and properly stored, which comes from similar language in the State Code for purposes of potential disease that would be transmitted between the hives. He said there are State regulations also and so we did not try to pare at those like having to have moveable frames, inspections and so forth. He said there were very few localities that required a permit; we decided not to go that route.

Mr. Keller said our Comprehensive Plan says in terms of natural resources that one of the primary categories is in their roles in ecosystem functions. In the January 2018 Volume of Science there is an abled piece that challenges many of our standard feelings about bees. If I might read this, “there is widespread concern about the global decline in pollinators and the associated loss of pollination services. This concern is understandable given the importance of pollinators for global food security – 75% of all globally important crops depend on some degree of pollination and the additional yield due to pollination adds 9% to the global crop population. Yet concern is focused on one species of all the western honey bees, this is unfortunate because research shows that managed honey bees can harm wild pollinators species providing an urgent incentive to change honey bee management practices.” Mr. Keller said that he throws that out because we have talked a lot about natural systems and the importance of those in the county, however, we most likely are talking about such a small number that this really is not an issue. However, just in terms of best practices we should be aware that there is starting to be an international dialogue about beekeeping and whether it is a positive thing for the various ecosystems that we have been led to believe.

Ms. Firehock said it is true that honeybees are not native to the United States and she did not think there would be so many beekeepers that it would disrupt the habitat.

Mr. Keller said he tends to agree that we are talking about a small number and certainly would not hold this up but certainly much more complex when you delve into it than it just seems on the surface.

Mr. Fritz pointed out that particular item that the State actually promotes beekeeping to the point of they offer grants for purchase of bee equipment.

Mr. Keller asked if there was a motion.

Mr. Bivins moved to recommend approval of ZTA-20180-00004 Beekeeping as staff recommended in the report this evening.

Ms. More seconded the motion.

Mr. Keller invited further discussion. Hearing none, he asked for a roll call.

The motion passed by a vote of 4:1 (Keller nay) (Riley, Spain absent).

The meeting moved to the next item.