



Planning and Zoning Commission

P.O. Box 10, Mountain Home, Idaho 83647

MINUTES OF THE PLANNING AND ZONING COMMISSION REGULAR MEETING CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO

August 21, 2017
6:00 PM

ESTABLISH A QUORUM

Chairperson Dennis Belt noted there was a quorum present and called the August 21, 2017 Regular meeting of the Planning and Zoning Commission to order. Attending were Planning and Zoning Commission Members, Josh Dison, Deedee Devol, Mary Miracle, James Eskridge and Ralph Binion.

Commission member Nancy Brletic was absent.

Staff members attending were Building Official Mike McCain and Administrative Assistant Brenda Ellis. Attorney Jay Friedly was not in attendance.

MINUTES-

February 21, 2017

Commission Member Ralph Binion made a motion to approve the minutes for the Regular Planning and Zoning Meeting held on February 21, 2017. Commission Member Deedee Devol seconded the motion. Vote is as follows: Commission Member Dison; aye, Commission Member Devol; aye, Commission Member Eskridge; aye, and Commission Member Binion; aye. Motion passed by a unanimous vote.

PUBLIC HEARING AND ACTION

*Ordinance Change Amending – Title 9-7-4: Land Use Chart & Enacting a new Section, 9-9-29: Apiaries

Open Public Hearing

Staff Report – Mike McCain stated that there were two letters, one in favor of the Bee Ordinance, the second letter was a no comment from ITD. The bottom two lines on the Staff Report are from the letter received and I would like to add to line number nine and ten to the Ordinance and we can discuss those bullets as the meeting proceeds.

Those in Favor

Randy Valley came forward to speak. Mr. Valley stated, “I have already spoken at a City Council meeting with regard to the ordinance. I have twenty five hives placed throughout the area. I am here on behalf of the bees. Bees are in the decline and if an ordinance is passed that limits residential citizens to have one hive we are not doing anything to benefit the bees. If we allow at least two hives and they lose fifty percent every year, you have a hive you can split into two. This will allow for sustainability of colonies.” Mike interjected that the proposed Ordinance was amended since the prior version Randy had seen to allow for two hives. Randy then questioned, “If you have over ten thousand square feet, you would be allowed to have four hives?” Mike McCain commented, “You can have two for every ten thousand or portion thereof and one for every ten thousand square feet thereafter.”

Chuck Matson spoke. Chuck stated, "I have about twenty thousand square feet of yard and have bees. I would say two hives for the first ten thousand square feet and then two additional hives for every ten thousand after that. I don't like that number two says that no hive shall be kept or maintained within twenty-five feet of any property line of the parcel or lot upon which it is situated. Mine are about ten feet and I have a six foot fence, the closer you get to the fence the higher they have to go to get out of there. Twenty five feet puts that pretty close to the middle of their yard. I don't know if that is feasible or not. My hives are out there all the time, my dogs are out all the time, and they have never been stung. My patio is fifty feet from the hive and I never see the bees around there. I think the twenty five feet is a bit much." Dennis Belt asked, "What is the possibility of it being a nuisance to your neighbor?" Chuck said, "Not much. Our backyards abut, I don't think they even know I have bees. The closer they get to the barrier the higher up they have to go, I would think a ten foot would be better." Randy Valley commented, "Bees can go up to a mile and a half to find nectar. The thing about having a barrier there would encourage the bees to go the other direction if they are too close to the barrier. Bees are not aggressive away from the hive. We have five to ten thousand bees out our back patio every day. We have never been stung, our grandkids have never been stung, they will protect their hive." Commission Member Josh Dison commented, "I have one of one of Randy's hives in my yard. It has been there for two months now and I haven't had one issue with it, nor have my neighbors approached me with any issues. The box sits about ten feet from my back fence and closer to my side fence." Randy commented, "I get asked a lot to bring hives to people's houses and I have never heard a complaint." Mike McCain stated, "I could only find four or five municipalities that have bee ordinances and all of them recommend twenty five feet with a six foot barrier. The letter received from Mr. Stanton even suggested a twenty five foot fly away barrier. Also in that letter he stated that if a colony is unusually aggressive the colony should be re-queened or destroyed and that contact information should be posted at apiaries on vacant property."

Larry Cronin came forward to comment. Larry stated, "My comment to the twenty five feet issue is some yards are smaller than that. I could see an ordinance that states twenty five to thirty feet from any residence other than your own. The bees are going to fly there even if you are one hundred and fifty feet away. A lot of bee keepers keep bees for more than just use it for the honey. It is not a cheap hobby. I have dogs and grandchildren and no one has ever been stung. I can see the ordinance saying that the hives be in an enclosed area to keep people from disturbing the hives." Commission Member James Eskridge commented, "My wife has anaphylaxis, and she would like to see more bees. We noticed the fruit trees need the bees but they were not around to do so. Without the bees there are no fruit. My wife has more problems with wasps and yellow jackets."

Ricky Zick came forward. Ricky stated, "I am in my third year of bee keeping. My hives sit four feet from my fence. My lot is one hundred by one hundred and fifty feet. The reason my hive sits so close to the fence is because I have irrigation over the rest of the lot. I am in favor of the hive siting twenty five feet to the next residence like Mr. Cronin. My hive opening faces my house, not my neighbors. Item six in the ordinance will not prevent bees from congregating will not prevent bees from going where they want to go. I am in favor of the bees. I don't think my neighbors even know I have my bees. Bee keepers do need to take some responsibility for their bees. I have only been stung one time by accident. They do not want to sting you because they know that they will die."

Wendi Smith came forward. Wendi stated, "I live in town and have one hive, two kids and two dogs. We have had our hive for about two years. Our hive sits maybe ten feet from one neighbor and far away from the rest. We have had one complaint and that is the only person who can see the hive from their house. We do classes with our hives with the Girl Scouts, they are not dangerous and do not just attack people. It is not for everybody, some people are afraid of bees. Bees only use one entrance, the back and sides do not have to be very far away from the property lines, they fly out of one entrance. Twenty five feet is really hard for us, we have a small yard. We would have to change our irrigation system to move our hive. The front is over twenty five feet from the neighbor that does not like them, but they have flowers and they garden so they do go there. I am in favor of a bee ordinance, but the twenty five feet is excessive, especially with regard to the back and sides of the hive." Chairperson Dennis Belt asked, "The

neighbor that is not happy, is it because they are working around the bees in their yard?" Wendi answered, "I am not sure why they are not happy with the bees. I don't think it has to do with the bees more as just we don't get along." Chairperson Belt asked, "Do they have to be a certain height from the ground? I have heard three sprinkler issues with regard to placement of the bees." Mike McCain commented, "There are no height requirements." Wendi stated, "Most people put a lot of thought to where they put their hive. It is not a cheap hobby. You do it because you want to help the bees." Dennis commented, "The problem is when you bring them into the City you have to deal with everyone around you." Wendi stated, "There will be bees regardless."

Diane McCuen came forward. Diane commented, "I have been keeping bees for almost five years now. Bees are not aggressive, they will defend their home. We have grandchildren, and dogs and they have never been stung. No matter how many hives you have the bees are going to travel. We are very conscious of where and how we put our bees. I don't know anyone who is negligent in the keeping of their bees. We work too hard at it to be negligent. I think the twenty five feet from any fence line is too much. Not everyone has a yard that big. The bees habit is to go up and fly. They will clear a fence."

Commission Member Mary Miracle asked Mike McCain, "What prompted the enactment of the bee ordinance?" Mike McCain stated, "A citizen complained after a colony left a hive and relocated in her backyard. The hive was removed, but the bees are always there. Her husband and child are allergic and they are concerned about their health. The Mayor asked me to look into it and put an Ordinance together." Commission Member Ralph Binion asked, "How are we going to know where the bee comes from?" Mike commented, "You can't. All the ordinance would do is set standards for bee keepers." Commission Member Binion commented, "It seems like we are writing an Ordinance that is completely unenforceable. There is no way of knowing where a bee came from." Mike McCain commented, "You can vote not to have Ordinance."

Ryan Smith came forward to speak. Ryan stated, "My neighbor made the complaint about the bees, which is why we are here. The complaint isn't necessarily because of the bees, but because we are in the midst of a legal matter. Those neighbors have only been there since April. We have spoken with our other neighbors and they don't have an issue. We do have a sign on our gate that lets people know we have bees. If it weren't for the quarrel we have this would not even be an issue." Chairperson Dennis Belt commented, "I have never had a problem with a honey bee, but when you come to town and you have neighbors, it could be different."

Gaynor Nakaishi came forward to speak. She stated, "I don't keep bees, but I welcome them. I garden and there are so few bees around. I need them. I am also allergic to bees, wasps, yellow jackets, but I still want the bees. I have a friend who has bees and I work in his garden next to the bee hive. They don't bother me there. People will get stung, you can get stung anywhere. My entire family is allergic, but we know we need them. I swell up like a balloon, but we should give in to the whims of these people."

Chairperson Dennis Belt commented, "I don't see anything about vacant properties. Would you want to address that so that they are fenced off to keep people out?" Mike McCain answered, "If you were going to go forward with the Ordinance that would be something that would be a good idea." Dennis also asked, "Should this be handled using a conditional use permit?" Mike commented, "In my opinion that would be overboard." Dennis asked, "Who is going to manage this ordinance?" Mike stated, "I guess animal control."

Those Opposed – None

Josh Peters came forward to speak. Josh stated, "I manage the D&B Supply in town. We have a hive on site. We keep it fifteen feet from the fence. The bees have been there about four years and to my knowledge no one has been stung. Bees are not aggressive but will protect their hive. If they sting they will die. Usually, bee stings are accidental. If a bee keeper is doing their job and splitting off excess from

the hive they should not swarm and leave. Typically when they leave the hive they forage for nectar. In Lewiston a neighbor kept bees behind us we never had any problems. In my opinion this ordinance is trying to solve a problem that doesn't exist.

Commission Member Josh Dison commented, "I think with common sense we could write a good ordinance. If we don't do anything we may be in this same situation again a few years down the road." Commission Member Ralph Binion stated, "The only comment I have to that is if we write ordinances for every time one person complains we will be in a constant state of writing and rewriting ordinances." Chairperson Dennis Belt commented, "It is a process and somewhat of a business to help both parties. I think you should have something to say, yes you can do it, and no, you don't have a complaint."

Opposition - None

Public Hearing Closed

Commission Member James Eskridge stated, "Trying to enforce this ordinance would just be creating a problem for us. I don't believe in this ordinance. It seems as though we are trying to be politically correct. We need to make common sense decisions. I would prefer not to see the ordinance go through. I make a motion that we recommend to the City Council to not enact this bee ordinance." Commission Member Ralph Binion seconded the motion. Vote is as follows: Commission Member Dison; aye, Commission Member Devol; aye, Commission Member Miracle; aye, Commission Member Eskridge; aye, and Commission Member Binion; aye. Motion passed by a unanimous vote.

NEW BUSINESS

*None

OLD BUSINESS

*None

DEPARTMENT HEAD ITEMS

*Monthly Building Permit Report – February – July 2017 - None

ITEMS REQUESTED BY COMMISSION/STAFF

* None

RECOGNIZE PERSONS NOT ON THE AGENDA

*None

ADJOURN

Chairperson Dennis Belt adjourned the meeting at 7:00 p.m.

Chair

