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MEMORANDUM

TO: Marion County Planning Commission
FROM: Marion County Planning Division/Fennimore
DATE: August 2, 2019
SUBJECT: LA19-003/Urban and Rural Zone Code Amendments - Beekeeping in Residential Zones

BACKGROUND:

The current Marion County Code (MCC), in sections 16.25.200(A)(11) and 17.126.020(A)(11), does not permit the keeping of bees in residential zones. In May 2018, as a result of an enforcement case, the Oregon State Beekeepers Association (OSBA) requested the Marion County Board of Commissioners (Board) consider amending the code to allow beekeeping and stay that enforcement action. At that time it was argued by the OSBA that the City of Salem and some other jurisdictions allowed beekeeping in their residential zones. The OSBA indicated that if the enforcement action was suspended they would work with the beekeeper to make sure best management practices were being followed and to help with any problems. The board agreed to this approach and directed staff to prepare a policy on the issue.

A policy was drafted that would require code enforcement to work with the OSBA if a beekeeping complaint was received. If the complaint was not resolved then enforcement action would go forward. Since the policy was based on the authority of the OSBA to regulate the use, and the willingness of the beekeeper to cooperate, staff delayed bringing it back to the Board until it was demonstrated the policy would work in that current enforcement case. Unfortunately, the issue was not resolved and the complaint continued. In August 2018, when staff updated the board on the issue, it chose to not adopt the policy and instead directed staff to encourage the OSBA to propose beekeeping amendments to the Marion County Planning Commission for consideration.

The Marion County Planning Commission held a work session on the issue on October 30, 2018, and made a recommendation that the Marion County Board of Commissioners allowing beekeeping of up to five hives in residential zones with no other standards. However, that recommendation was based on information presented at the work session by the OSBA and was not a public hearing.

Just prior to that work session, staff learned that the City of Salem was considering amendments to its code to allow beekeeping in residential zones. In order maintain consistency with properties inside the Salem Urban Growth Boundary, staff chose not to bring this matter back to the board until the city completed its process. On June 10, 2019, the city approved amendments to its code that would allow keeping of bees in residential zones subject to standards. A summary is attached.

At its public meeting on June 24, 2019, the board approved a resolution initiating amendments to the zone code related to beekeeping in residential zones and referring the matter to the Marion County Planning Commission for a public hearing and recommendation.

ANALYSIS:

The direction from the Board is to use the same process that was used when it amended the code to allow keeping of chickens on residential properties. The process, if the amendments are approved, will require the adoption of two separate ordinances. One ordinance will amend the zone code while a concurrent ordinance will establish bee keeping standards that will be codified in MCC Title 6 Animals. This is the same process that was used to allow keeping chickens on residential properties. Staff has prepared zone code amendments for consideration and recommendation by the Planning Commission and they are attached to this memorandum.

If beekeeping in residential zones is allowed, what standards should apply? There are a wide variety of standards that could be applied. For example, the City of Salem standards allow between 5 and 7 hives which must be located in side or rear yard and meet setbacks. If a hive is within 25 feet of a property line, you must either maintain a flyaway barrier at least six feet in height parallel to the property line for a maximum of 10 feet or elevate it at least 10 feet above ground level. Other standards require the beekeeper to provide a constant supply of water for bees within 15 feet of each hive, ensure comb or wax is not left on the grounds to avoid robbing from other bees or attracting predators, and keep hives well maintained so that they do not create a nuisance for neighbors (e.g., noise and odor). The City of Silverton currently considers raising honeybees as farm use and only allowed in single family residential zones if the property is an acre or larger.