

## **Introduction**

Thank you for giving Portland Beekeepers a chance to respond to the proposed City of Portland Policy changes specific to beekeeping within Portland city limits.

Portland Urban Beekeepers is a non-profit (501(3)(c) organization dedicated to public outreach and education about all aspects of honey bees, as well as other important pollinators like our native bees. In addition to regular monthly meetings where we provide education, we also have an annual stand-alone event dedicated to the education of those interested in becoming beekeepers. We also maintain a club apiary at Zenger farms where we provide hands-on beekeeping experiences for those who want an introduction to beekeeping, as well as for those who wish to become more proficient with the motor skills required to manipulate the hive, tools, smoker and other equipment needed to safely keep honey bees. Our volunteers, educators and speakers include Oregon State University entomologists who specialize in honey bees, and we routinely bring visiting professors from across the United States for educational events. PUB is affiliated with the Oregon State Beekeepers Association, and we promote the Oregon State University Master Beekeeping Program that provides a state-wide formal educational platform for beekeepers to become master beekeepers.

After Julia Gisler spoke at our monthly meeting in November 2019, PUB officers wrote a survey and sent it to our membership. Many club members spoke directly to Ms. Gisler during her presentation, and the survey has allowed those not present to voice their thoughts on the policy changes. This rebuttal will reflect the collective voice of the Portland Urban Beekeepers as a club. The survey was open for 10 days and had 55 unique responses. This represents a 31.1% response rate from PUB members. The results of the survey will be attached as appendix 1.

Collectively, we agree with the decision that the city should broadly adopt the Oregon State University Extension Service/Oregon State Beekeepers Association document, [Residential Beekeeping: Best-practice guidelines for nuisance-free beekeeping in Oregon](#). In many instances, the proposed policy does this. However, there are some discrepancies that we think need to be addressed.

### **Regulate the Number of Hives by Minimum Lot Size and Zones that allow Agricultural Uses**

First, 66% of PUB members think that the city should clearly define the term "hive", with 74.5% responding that a nucleus hive should be defined as a 5-frame hive. For instance, what is a "hive". According to the Oregon Department of Agriculture (ODA), for registration purposes, hives are divided into two groups: production hives which include those that are used for pollination, making honey and other products of the hive and non-production hives i.e. nucleus hives (nucs), which are smaller, not usually larger than 5 frames, which are used to start production hives or reinforce production hives. Nucs are not required to be registered or pay fees with the ODA as they are "tools" used by beekeepers for starting or boosting production hives. Nucs are also used as containment hives for containing swarms caught until numbers are such that they can be transferred to a larger hive body, like an 8 or 10 frame hive.

A different option could be to define a collection of worker bees with a queen as a colony. A honey bee colony can be contained in any size of "hive" e.g. box of any configuration such as an 8 frame Langstroth, 10 frame Langstroth, Warre or Top Bar hive. If the city decided to use this definition and set

a limit on numbers of "units" of bees, the city would need to clearly define how many small colonies or large colonies could be kept.

Other interesting aspects we saw our survey suggests that among PUB respondents, 80% have been keeping honey bees for 2 years or longer, of these, 45.5% have been keeping bees for 5 years or longer. This is quite a number of long-term beekeepers for so few complaints to the city.

Yes, to the matter of education that came up during the November meeting. Beekeepers need to undergo a lot of education, and in our sample, 69.1% have taken a formal course to better understand how to care for and manage honey bees.

81.1 % of our respondents think that the idea of limiting the number of "hives" is problematic, 85.5% support no hive number limits, while a clear minority, 14.5% think that hive limits are a good idea.

More interesting results indicate that through self-governing, 81.8% of our respondents only have 0-4 hives, which demonstrates that without legislation, large number of bee hives in Portland will most likely not be an issue. This is borne out by a subsequent survey question that tells us that even if Portland does limit hive numbers, with their current practices, 70.4% of PUB members would not be affected.

As we discussed in the PUB November meeting, bee colonies are never static, and the current environmental climate, with the advent of colony collapse disorder, Varroa mite infestations and the viral diseases associated with the mites, PUB experiences heavy winter losses. For instance, at our Zenger Farm apiary, in 2019 we lost 50% of our colonies. Dewey Caron, PhD, an entomologist who maintains an annual survival survey, the *Pacific NW Honey Bee Survey* (<http://pnwhoneybeesurvey.com/>), found that in 2019. PUB's over-winter losses were 62%, which gave PUB the ignominious reputation of worst-in-state survival. So, one can see why PUB members worry about limiting activities like splitting larger colonies into smaller, non-producing nucleus hives, or capturing swarms, to increase our producing colony numbers in an attempt to maintain a small apiary from year to year.

From the recent PUB survey, we can see that 53% of members would be content to be able to manage 0-4 nucs, while 26.5% think that 5-6 nucs may be more appropriate. Combined, 79.5% think that anything between 0-6 nucs might be needed to maintain their apiary and prevent their current colonies from swarming.

Clearly, PUB can do more to disseminate the OSU/OSBA Residential Beekeeping Best Practices brochures, as only 34.5% are familiar with this important resource and guide for urban beekeeping. We have ordered another 100 pamphlets and plan to review the "Best Practices" in the 2020 PUB Bee School event, as well as provide another formal discussion at one of our winter 2020 monthly meetings.

Finally, our survey replicates the City of Portland data with >92.7% of our beekeepers never receiving a complaint about their bees.

Rather than summarizing individual concerns of PUB beekeepers, please read their statements at the end of the survey (Appendix 1).

### **Hive Location and Flight Path**

We agree with setbacks from heavily traveled or public areas.

### **Flyaway Barrier**

We agree that a flyaway barrier is appropriate, but would like to clarify that if an existing structure serves this purpose e.g. an existing fence, not necessarily on the beekeeper's property, that this will suffice.

### **Bees on rooftops and properties with more than one residential unit.**

We agree with these conditions, except that no restrictions on hive numbers, and a 15 foot setback from all walls is not reasonable if a person wants to place their hive against their own wall, this should be allowed.

**Development Standards** PUB agrees.

### **Standard of Care**

PUB agrees with all of the standards of care.

Healthy Bee Colonies. Follow best-practice guidelines of Oregon State University Extension Service or recommendations by the Oregon State Beekeepers Association.

Condition. All hives shall be kept in sound and useable condition. (Model Residential Beekeeping Ordinance for Oregon Cities)

Discourage Swarming. Colonies must be maintained in hives with adequate space and management techniques to prevent overcrowding and discourage swarming. (Model Residential Beekeeping Ordinance for Oregon Cities)

Discourage Robbing or Predators. No bee comb, wax or other materials that might encourage robbing or predators are left upon the ground. Upon their removal from the hive, all such materials shall properly be disposed of in a sealed container and relocated away from bee access. (Model Residential Beekeeping Ordinance for Oregon Cities)

Feed and Supplement Storage. Bee feed and any other supplement used to support bee health must be stored in a sealed container that is not penetrable by rodents or other animals. (Model Residential Beekeeping Ordinance for Oregon Cities)

Water. Each beekeeper shall ensure a convenient source of water is always available to the bees during the months of March through October. (Model Residential Beekeeping Ordinance for Oregon Cities)

## Owner Responsibilities

Comply with Regulations Since the proposal replaces permits with objective standards and best practice recommendations, it is important to have the code requirements readily available- online and in a hard copy. The details of the compliance process, which may include registering online, can be established through administrative rules. **PUB agrees.**

Neighborhood Notification The proposed changes would treat the neighbor notification of bees and livestock the same. Currently, Title 13 required applicants for bee and livestock permits to notify all property owners and residents within 150 feet of their property lines. Multnomah County required an affidavit of notification for bee permits while for livestock an **applicant simply signed the animal facility application that stated property owners had been notified.**

The proposal is in line with the League of Oregon Cities' Model residential Beekeeping Ordinance for Oregon Cities that encourages beekeepers to speak with neighbors regarding their bees to address concerns and avoid misunderstandings.

The details of neighborhood notification (i.e. online forms for owners to send to neighbors, allowing multi-dwelling buildings to post a notice in a common space, etc.) can be established through administrative rules.

**PUB agrees, that simply signing the application should be sufficient.**

Nuisance conditions Currently, Title 13 requires that the animal facility will not create a nuisance or disturb neighboring residents due to noise, odor, property damage or threats to public safety. This proposal would require the animal owner to address common complaints as they arise. **PUB agrees.**

Renters and Lessees Multnomah County required the signature of the property owner if the applicant for the animal permit was not the owner of the property. **PUB agrees.**

## Liability Insurance

The proposals drop the requirement for liability insurance. Current code requires animal owners to have sufficient ability to respond to any claims for damages for personal injury or property damage which may be caused by their animals. Multnomah County required a copy of the applicant's homeowners, renters, or business insurance policy with the permit application. No minimum liability was required for beekeepers; animal owners were required to have a minimum of \$50,000 liability. **The proposals drop the requirement for liability insurance.** [more information why this is not necessary]. **PUB agrees.**

This proposal is in line with the League of Oregon Cities' Model residential Beekeeping Ordinance for Oregon Cities that does not include liability insurance requirements.

Oregon Department of Agriculture (ODA). Each beekeeper shall comply with ODA beehive registration requirements. Currently, 5 or more hives requires registration. (Model Residential Beekeeping Ordinance for Oregon Cities) **PUB agrees.**

## Owner Responsibilities

Comply with Regulations. Backyard and Livestock Animal owners must meet all the appropriate requirements of Title 13. To facilitate compliance, Title 13 regulations will be posted online along with other materials, such as best practice recommendations, to ensure the information is readily available. Hard-copy handouts will also be available. There also may be an online registration where animal owners can "sign" an online form that states they will meet all applicable Title 13 regulations. [need more info] In addition to Title 13 regulations, Livestock Animals must meet the Agriculture Uses regulations of Title 33, the Zoning Code. Neighbor Notification. Animal owners are encouraged to notify all property owners and renters that reside on a property abutting or across the street from the property the animals will be kept, see hatched area in the graphic. **Drop Multnomah County's requirement for an affidavit of notification to keep bees. PUB agrees!**

Nuisance conditions. Animal owners are required to respond immediately to remediate nuisance conditions, including but not limited to, waste removal and general upkeep of the animal's facility, animals allowed off-site, feeding or watering practices that attract rats, and animal noises. Beekeepers must respond to hive placement or bee movement that interferes with pedestrian traffic or results in a significant number of bees on neighboring properties. **PUB agrees.**

## Code Enforcement

### Violations

The details of the violation process can be established through administrative rules. **PUB agrees.**

Inspection Keep current regulations; reassigned "Director" when future administrator is identified.

### Penalties

The penalties can be established through administrative rules. Currently, Multnomah County has authority to assess civil penalty of not less than \$100 and not more than \$500 per violation for each day the violation conditions exist. **The Multnomah County inspectors emphasized education and assisting people to meet the regulations. Consequently, very few penalties were assessed for Title 13 violations (get number and more information from Multnomah County). PUB agrees.**

### Appeals

Currently, the Title 13 program needs a process to appeal permit denials, revoked permits, and fines imposed for code violations. Appeals to Title 13 are assigned to the Multnomah County Hearings Officer. (The City of Portland Hearings Officer was assigned prior to February 2008?) Appeals have not been common; in the past 10 years there have only been 3?

The situations where an appeal process is necessary will be reduced to the fines imposed for code violations. The appeals associated with the permit (denial and revoked) **will not be necessary if the permit process is replaced with objective standards and recommended best practices. PUB agrees.**

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### **Proposed Standards**

#### **Code Enforcement Violations**

Initial complaints will be followed up with a possible violation letter to the property in question requesting the animal owner review the standards of Title 13 and adjust their practices as needed. If complaints continue, a site inspection will be conducted. If after inspection, it is determined that the animal facility is not in compliance with Title 13, penalties may be assessed. Inspections. Animal owners give code enforcement staff the right to enter and inspect their animal facilities to investigate possible nuisances and ensure that the standards of Title 13 are being met. All specified animal facilities shall be open at all times for inspection by the Director, Title 13 assigns to Multnomah County Vector Control. (current criteria) Reassign Director to the future administrator if it is not Vector Control. Penalties. If after inspection, it is determined that the animal facility is not in compliance with Title 13, the City will allow a reasonable length of time to comply before penalties are assessed. Appeals. In the event a penalty is assessed the animal owner has the right to appeal. PUB agrees.

#### **Current Regulations:**

4 hives = 89% of permits (5 you must register with the state) 6 hives = 94% of permits 2000-2017

PUB thinks that hive limits are not necessary and there is no evidence that limiting the number of hives has decreased public complaints or incidents.

This rebuttal was authored by Cheryl Wright, President (2020) PUB, Amanda Shaw, President (2018-19), and Ralph Rodia, Oregon State Beekeepers Association.

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