



Champaign County Farm Bureau

801 N. Country Fair Drive, Suite A • Champaign Il 61821-2492
Phone: (217) 352-5235 • Fax: (217) 352-8168 • www.ccfa.fbureau.com
Bradley Uken, *Manager*

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OCT 14 2021

Dear Members of the Zoning Board of Appeals Committee:

CHAMPAIGN CO. P & Z DEPARTMENT

Recently, the Champaign County Farm Bureau has had the opportunity to review zoning case 014-AT-21. This case addresses the amendment of the Zoning Ordinance to establish beekeeping requirements. As an agricultural organization that represents thousands of rural residents in the county, zoning is always an interest of ours. Through the years we have examined and been part of dozens of discussions on various zoning proposals impacting the rural areas of the county. This proposal is no different.

Our interest with this proposal is the precedent that it could set in regulating an agricultural land use/practice. While many may not view apiaries and beekeeping as an agricultural practice, the honey produced by the bees is for human consumption. On the federal level bees are considered either livestock or "other agricultural activities" by the United States Department of Agriculture (USDA) and the Internal Revenue Service (IRS). In Illinois, beekeepers must register with the Illinois Department of Agriculture. In two neighboring counties (Piatt & McLean), the county has taken the exact opposite approach and specifically included beekeeping as an agricultural practice, thereby supporting it, rather than trying to regulate it. Plain and simple, beekeeping is an agricultural enterprise.

In our view, it fits within the agricultural zoning exemption set forth in the Illinois Statutes: "The powers [of this section] shall not be exercised...so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, which includes the growing of farm crops,...horticulture, nurseries,...or wholesale greenhouses when such agricultural purposes constitute the principle activity on the land,... or with respect to ...buildings or structures used or to be used for agricultural purposes upon such land except that such buildings or structures...may be required to conform to building or set back lines..."¹ Illinois courts, including the Illinois Supreme Court, have construed the agricultural zoning exemption broadly.²

In other words, the Illinois legislature sought to restrict zoning powers for agricultural uses and activities. Counties may not use zoning to regulate land and buildings used for agricultural purposes, including limitations on size, location, and design.

We believe that the County does not have the authority to create zoning requirements for beekeeping regardless of if the practice is located in Residential Zoning District in the county. The precedent of attempting to zone agricultural production could lead to future attempts to improperly regulate the diverse agricultural industry we have here in Champaign County. Could the county at some point say

¹ 55 ILCS 5/5-12001.

² See County of Knox ex rel. Masterson v. Highlands, L.L.C., 188 Ill. 2d 546, 557, 723 N.E.2d 256, 263 (1999)(stating that the definition of "agriculture" is wide-ranging).

they don't want corn grown here because it creates blind corners for drivers during the summer and fall periods? While this idea would seem crazy to some, once the door has been open to zoning agriculture who exactly knows what future county boards, ZBAs and zoning staff may do to open that door even further.

I hope you better understand our interest in this zoning case. We believe that the county should not limit where apiaries and beekeeping can locate since they are an agricultural enterprise.

Sincerely,

A handwritten signature in blue ink that reads "Paul Hunsinger". The signature is written in a cursive, flowing style.

Paul Hunsinger, President
Champaign County Farm Bureau

Cc: John Hall