



Agenda Date: 06/10/2014
Agenda Item: 4.5

STAFF REPORT

Date: June 2, 2014
To: Mayor and Members of City Council
From: William R. Galstan, Special Counsel *William R. Galstan*
Cc: Bryan Montgomery, City Manager; Derek P. Cole, City Attorney;
Joshua McMurray, Senior Planner
SUBJECT: Ordinance Regulating Beekeeping in Single Family Zoning
District

FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF JUNE 10, 2014

Background and Analysis

At the May 13, 2014 meeting, City Council directed staff to prepare an ordinance along the lines of a model draft presented at that meeting to allow, but regulate, beekeeping in the single family zoning district. Currently, beekeeping is not a listed approved activity in that district. The attached draft ordinance would revise current regulations to allow beekeeping.

The ordinance specifies that no more than two hives may be maintained on any single family lot. This regulation by itself seems to address Council's concerns that commercial beekeeping not be allowed in the single family district. While a resident could have a small commercial venture with two beehives, clearly with a limit of two hives, a large commercial enterprise would not be possible.

Pursuant to Council's direction, hives must be placed at least 100 feet from any licensed "large day care facility", which is a day care with nine or more children. It was deemed not necessary to address distances from schools, as schools typically have very large open space areas and playgrounds for children are not typically placed in close proximity to the backyard fence of homes.

Other beekeeping regulations are specified as outlined in the previous model ordinance given to you at the May meeting.

Fiscal Impact

No perceived fiscal impact from the adoption of this ordinance.

Recommendations

Staff does not have the background or knowledge to either recommend in favor of, or against, this ordinance. Rather, this report is consistent with the informal desires of the Council expressed at the May 13 meeting. Staff probably continues to have some of those layman-type concerns about an activity that could be potentially a nuisance or perhaps a safety issue for those allergic to bee stings, but without the knowledge that a public health expert could bring to the discussion. Thus our "recommendation" is technical in nature, meaning that if Council desires to make this change in the existing ordinance, we recommend you take the following steps:

- 1) Introduce the ordinance by title only and waive further reading;
- 2) Introduce the ordinance adding subparagraph 13 to Paragraph b of Section 9.1.404 of the Oakley Municipal Code, dealing with keeping of bees in the single family zoning district.

Attachment

- A) Ordinance adding subparagraph 13 to Paragraph b of Section 9.1.404 of the Oakley Municipal Code.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY
ADDING SUBPARAGRAPH 13 TO PARAGRAPH b OF SECTION 9.1.404 OF
THE OAKLEY MUNICIPAL CODE, DEALING WITH KEEPING OF BEES IN
THE SINGLE FAMILY RESIDENTIAL ZONING DISTRICT**

The City Council of the City of Oakley does ordain as follows:

Section 1. Subparagraph 13 is hereby added to paragraph b of Section 9.1.404 of the Oakley Municipal Code, to read as follows:

13. Bees shall be allowed only under the following conditions:

a) Definitions:

i) "Bee" shall mean any stage of the common domestic honey bee, *Apis Mellifera* species;

ii) "Hive" shall mean a structure for the housing of a bee colony;

iii) "Requeen" means to replace the queen bee in a colony with a younger and more productive queen, a common practice in beekeeping to prevent bee swarming.

b) General Requirements:

i) Hives may only be maintained in the single-family or agricultural districts, not in multi-family or mobile home districts;

ii) No more than two hives may be maintained on any single family residential lot;

iii) A bee colonies shall be kept in inspectable hives consisting of moveable frames and combs;

iv) Hives must be kept in sound and usable condition at all times.

c) Hive Placement Requirements:

i) Hives shall be located at least 25 feet from all property lines or be screened by a barrier as described below, or 100 feet from any licensed large day care facility.

ii) Hives shall be screened so that bees must fly over a six-foot barrier, which may be vegetative, before leaving the property; if placed above a barrier, hives shall be placed at least 20 feet from the front property line, 15 feet from the rear property line, and at least 5 feet from side property lines.

d) Hive Management Requirements:

i) Hives shall be continually managed to provide adequate living space for the resident bees to prevent swarming.

ii) Hives shall be requeened at least once every two years to prevent swarming;

iii) A water source for bees shall be provided at all times on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs and other water sources on adjacent public or private property. The water source shall not be allowed to become stagnant in a manner that would propagate mosquitos.

iv) Hive maintenance materials or equipment must be stored in a sealed container or placed within a building or other bee-proof enclosure.

Section 2. California Environmental Quality Act (CEQA) Finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

Section 3. Severability.

In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 4. Effective Date and Publication.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2014 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Randy Pope, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date