



**AGENCY:** City Council  
**MEETING DATE:** June 25, 2018  
**DEPARTMENT:** CDD  
**PRESENTED BY:** M Jones  
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## AGENDA ITEM SUMMARY REPORT

**TITLE:**

**Receive Report, Conduct Public Hearing, Consider Planning Commission Recommendation to Adopt City Council Resolution Adopting a Mitigated Negative Declaration, and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 939-2018 Amending Chapter 18.42.040 [Animal Keeping] of Title 18 [Inland Land Use & Development Code] of the Fort Bragg Municipal Code Modifying Beekeeping Permit Requirements to Allow Bee Hives Without a Use Permit in All Zoning Districts**

**ISSUE:**

The Inland Land Use and Development Code (ILUDC) is the City’s guiding collection of land use policies and regulations that implement the General Plan’s vision for Fort Bragg. City staff received a request from a community member to allow the keeping of more bee hives in more zoning districts without a Minor Use Permit in order to better serve our local 4H club. Staff took this matter to the Community Development Committee, which directed staff to complete a minor ILUDC amendment to allow additional beekeeping activities in the Inland portion of the City. The City last updated the ILUDC in 2014 and 2017. Generally, staff seeks to avoid minor amendments to the ILUDC because they necessitate the commitment of significant staff resources to prepare the appropriate environmental document and undertake the hearings. Staff prefers to collect LUDC changes over the course of at least two or three years prior to undertaking an ILUDC amendment.

The Planning Commission conducted a public hearing regarding amendments to the ILUDC on May 23, 2018, and adopted a resolution recommending that Council approve the proposed amendment based on findings provided in ILUDC Section 18.94.060. The proposed revision to the ILUDC is summarized below and included in Attachment 1:

ARTICLE 4 – STANDARDS FOR SPECIFIC LAND USES	
ILUDC Section	Proposed Change(s)
<b>Chapter 18.42.040</b> <i>Standards for Animal Keeping</i>	<ul style="list-style-type: none"> <li>➤ Allow up to two hives per parcel without a Minor Use Permit approval in residential, commercial and industrial zones. Require a Minor Use Permit approval for more than 2 hives per parcel in all zoning districts.</li> <li>➤ Limit the placement of bee hives to areas that are more than one mile away from the MacKerricher State Park’s Glass Beach Headlands, due to the presence of a rare and endangered bee on the Headlands.</li> <li>➤ Require that all parcels that establish non-native bee colonies also plant native plants that are known sources of nectar and pollen for bees.</li> </ul>

**ANALYSIS:**

ILUDC Chapter 18.94 covers the process for amending the code, including the following three findings required for approval of amendments:

**18.94.060(B)(1)(a)** The proposed amendment is consistent with the General Plan and any applicable specific plan.

The revisions to Chapter 18.94 were closely reviewed to verify consistency with the City's Inland General Plan and the proposed revisions are fully consistent with the Inland General Plan.

**18.94.060(B)(1)(b)** The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

The Municipal Code and ILUDC both contain numerous policies that address public health and safety, including but not limited to:

- Title 6: Health and Sanitation
- Title 9: Public Peace, Safety and Morals
- Title 10: Vehicles and Traffic
- Title 14: Water and Sewers

The proposed ILUDC amendment does not propose any changes to these or other public health and safety.

However, bees can be dangerous to people who are allergic to bees, and the Minor Use Permit process allows neighbors to object to property owners seeking to have more than two hives on their property. However, as proposed, the amendment would allow at least two hives in any zoning district without a Minor Use Permit.

Generally speaking, honey bees are not particularly aggressive and typically sting when they are harassed or threatened in some way, so bee stings are relatively rare events. Most people can point to one or two bee stings over the course of their life. Additionally, bees generally range long distances from their hives (0.5 to 1 mile) seeking nectar and pollen, and the Fort Bragg area is home to many bee enthusiasts, so a few more hives may not add appreciably to the bee population or the risk of being stung. Individuals with severe allergies to bee stings carry an Epi-Pen on their person as an antidote to the anaphylactic shock that can set in as a consequence of a bee sting, thus reducing their risk to health consequences from exposure to bees. The risk of dying from a bee sting is less than the chance of being killed by lightning. Finally, if a property owner's bee population becomes a health or safety concern, the City can engage in code enforcement against the property to have the bee hives removed.

The Planning Commission found that the ILUDC amendment allowing up to two hives in any zoning district would not be detrimental to public health or safety, the public interest, convenience or welfare of the City.

**18.94.060(B)(2)** The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The revisions to Chapter 18.94 were closely reviewed to verify consistency with the City's ILUDC, and the proposed revisions are fully consistent with the ILUDC.

**ENVIRONMENTAL REVIEW:**

The California Environmental Quality Act (CEQA) requires analysis of agency approvals for projects. Under CEQA, adoption of substantial changes to a zoning ordinance constitutes a project, and staff has completed the required CEQA review. Staff prepared a Mitigated Negative Declaration for the project and determined that the proposed amendment could have a significant effect on the environment, unless two mitigation measures are adopted as follows:

**MM-1** Limit the placement of bee hives to areas that are more than one mile away from the MacKerricher State Park's Glass Beach Headlands.

**MM-2** All parcels that establish non-native bee colonies shall also plant native flowering vegetation that is a known source of nectar, pollen and food for bees.

These mitigations have been incorporated into the language of the ILUDC amendment. The Mitigated Negative Declaration, which described the potential impact to a rare form of bee that is found in only five places in California (including Fort Bragg), is included as **Attachment 2**. The relevant discussion can be found on pages 27-30 of the MND.

The Mitigated Negative Declaration should be considered for adoption by City Council, prior to the proposed changes to the ILUDC.

**RECOMMENDED ACTION:**

Hold a hearing, close the hearing, deliberate and:

1. Adopt a Resolution adopting the Mitigated Negative Declaration, and
2. Introduce by Title Only and Waive the First Reading of Ordinance No. 939-2018 Amending Chapter 18.42.040 [Animal Keeping] of Title 18 [Inland Land Use & Development Code] of the Fort Bragg Municipal Code Modifying Beekeeping Permit Requirements to Allow Bee Hives Without a Use Permit in All Zoning Districts.

**ALTERNATIVE ACTIONS:**

Hold a hearing, deliberate and provide staff with additional direction regarding proposed modifications to the ILUDC.

**ATTACHMENTS:**

1. ILUDC Proposed Revisions – Track Changes and Notes
2. Mitigated Negative Declaration
3. Resolution adopting the MND for ILUDC Amendment 1-18
4. Ordinance No. 939-2018 amending Chapter 18.42.040 [Animal Keeping] of Title 18 [Inland Land Use and Development Code] of the Fort Bragg Municipal Code modifying beekeeping permit requirements

**NOTIFICATIONS:**

Eve Hautala