



AGENCY: Planning Commission
MEETING DATE: May 23, 2018
DEPARTMENT: CDD
PRESENTED BY: M Jones

AGENDA ITEM SUMMARY REPORT

TITLE:

Receive report, hold public hearing and adopt resolution recommending City Council adopt amendments to Title 18 of the Municipal Code (the Inland Land Use And Development Code) and certify the ILUDC Mitigated Negative Declaration.

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 bee keeping 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 etc. Generally staff prefers to collect LUDC changes over the course of at least two or three years prior to undertaking an ILUDC amendment.

The ILUDC requires that the Planning Commission conduct at least one public hearing regarding amendments to the ILUDC, and recommend to the Council whether to approve, approve in modified form or disapprove 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)
Chapter 18.42.040 <i>Standards for Animal Keeping</i>	<ul style="list-style-type: none">➤ 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.➤ Limit the placement of bee hives to areas that are more than one mile away from the McKerricker State Park's Glass Beach Headlands, due to the presence of a rare and endangered bee on the Headlands.➤ Require that all parcels that establish non-native been colonies also plant native plants that are known sources of nectar and pollen for bees.

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 always 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.

Generally staff does not find that the ILUDC amendment allowing up to two hives in any zoning district would 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 McKerracher 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 Planning Commission will not adopt the Mitigated Negative Declaration, as the adoption of a resolution in support of the proposed changes does not constitute a project under CEQA. The Mitigated Negative Declaration will be adopted by City Council, if they adopt the proposed changes to the ILUDC.

PLANNING COMMISSION ACTION:

Hold a hearing, close the hearing, deliberate and adopt the resolution (**Attachment 3**) to City Council recommending approval of the ILUDC amendment.

ALTERNATIVE ACTIONS:

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

RECOMMENDATION:

Staff recommends the Planning Commission adopt a resolution recommending that City Council adopt the attached amendments to the City's ILUDC and certify the Mitigated Negative Declaration based on the findings in the resolution and the analysis of this staff report.

ATTACHMENTS:

1. ILUDC Revisions – Track Changes and Notes
2. Mitigated Negative Declaration
3. Resolution to Council

NOTIFICATIONS:

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