



SARATOGA CITY COUNCIL

MEETING DATE: December 21, 2016

DEPARTMENT: Community Development Department

PREPARED BY: Nicole Johnson, Planner II

SUBJECT: Beekeeping Regulations

RECOMMENDED ACTION:

Review proposed modifications and direct staff to prepare an amendment to Saratoga's Beekeeping Ordinance (Section 7-20.230 of the Municipal Code).

BACKGROUND:

In response to a suggestion from the West Valley Mayors and City Managers, the City Council directed staff to review the City's current Beekeeping regulations and research the best practices of surrounding cities.

The decline of the bee population is a matter of much discussion and several studies are under way to determine why this is occurring. Recently identified threats include disease, habitat destruction due to building development and urbanization, use of harmful pesticides, interaction with invasive species and climate change.

Bees play an essential role in our food production system by aiding the production of many of the nuts, fruits and vegetables in our diets. honeybees has declined in recent years, even as the world moves progressively towards growing more crops that are increasingly more dependent on bee pollination. The number of managed honey bee colonies in the United States has declined steadily over the past 60 years, from 6 million colonies (beehives) in 1947 to 4 million in 1970, 3 million in 1990, and just 2.5 million today. Given the heavy dependence of certain crops on commercial pollination, reduced honey bee populations pose a real threat to maintaining our food supply and domestic agriculture industry.

Existing City Ordinance

Saratoga's current beekeeping regulations were adopted in 1994 (Ordinance 71-136) and established regulations that allow but do not promote or encourage beekeeping within the City. The existing ordinance (City Code Section 7-20.230) contains requirements that make it nearly impossible for beekeepers to find a code compliant location to place their hives on their properties.

The City Code requires that hives be located no closer than 500 feet of a residence, church, school, public building, corral or water area in the corral unless the owner has given written permission to the location at a closer distance, and no closer than 300 feet from any public road. In addition, a hive shall be no closer than 300 feet of a public road. Furthermore, the City Code regulations require that notice to the City Manager be given within five days from the date movement of a hive is begun, stating:

- The number of colonies of bees to be moved into or within the City.
- The location of the property in the City to which bees are to be moved, and the name and address of the owner of the property or person in possession thereof.
- The distance of the proposed location of the apiary from the nearest public road intersection.

The complete code section is included in Attachment A.

DISCUSSION:

Based on staff research with the President of the Santa Clara Valley Beekeeper's Guild and surrounding cities, the City's current regulations appear to be very cumbersome and discourage local beekeeping. Staff has examined both the City's existing regulations and researched the regulations of other municipalities (Los Altos Hills, Cupertino, Campbell, Los Altos, Monte Sereno, Santa Clara, and Los Gatos). As a result, staff is recommending the Council consider amending the ordinance to bring the regulations up to current standards that encourage beekeeping and allow for reasonable and safe beekeeping within the City. A complete list of the Cities contacted by staff is included in Attachment B and C.

In an attempt to help save the declining bee population, some surrounding cities (Monte Sereno, Cupertino, and Santa Clara) have revised their beekeeping ordinances to encourage homeowners to maintain bees on their properties. Some examples of the "bee friendly" modifications in these ordinances include (but not limited too):

- Locating of hives 6-20 feet from property lines
- Maintaining hive entrances to face a structure on the property
- Limiting hive height to a maximum of 6 feet
- Limiting the number of hives (2-6 hives per property, depending on lot size)

As an identified best practice for good hive maintenance and bee behavior, the guild has suggested that a solid barrier, such as a fence or dense vegetative barrier, be placed adjacent to the entrance of the hive, in order to redirect the flight path of the bees as they exit the hive. Generally, the bees exiting the hive will fly upward (sometimes as high as 20 feet) before dispersing to go foraging. This managed flight behavior minimizes the likelihood that the bees will have immediate interactions with neighbors who may be in adjacent yards.

Staff is recommending that Council consider requiring that a minimum side and rear yard setback for bee hives be consistent with Section 15-80.030 (d) for an accessory structure which is 6', and not permit hives within the front yard. Additionally, requiring a barrier adjacent to hive entrances allow for hives to be located closer to property lines than the existing ordinance regulations and should alleviate concerns of neighbors regarding the near ground bee flight patterns.

Staff Recommendation

Based on research and the recent ordinance amendments by surrounding cities, staff recommends the following amendments to Saratoga's Beekeeping Ordinance;

1. Allowing hives within the side and rear yards with a minimum of a 6' setback from the side and rear property line
2. Prohibiting hives in front yards
3. Limiting hives to a maximum height of 6 feet
4. Requiring that hive entrances not face an abutting property line
5. Requiring a barrier such as a solid fence, wall or dense vegetative barrier, 6' in height, adjacent to the entrance of the hive for all zoning districts except R1-40,000, HR, R-OS, A
6. Limiting hives to a maximum of 3 hives per property within zoning districts R1-10,000, R1-12,500, R1-15,000, and R1-20,000
7. Limiting hives to a maximum of 4 hives per property within the R1-40,000, HR, R-OS, A zoning districts and an additional hive permitted for each ½ acre over two acres

FOLLOW UP ACTION:

Direct staff to prepare a draft ordinance with the aforementioned amendments to the beekeeping requirements, and present at a future meeting date.

ATTACHMENTS:

- Attachment A- Section 7-20.230 of the Saratoga Municipal Code
- Attachment B- Comparison of Monte Sereno, Cupertino, and Santa Clara amendments
- Attachment C- Comparison of Saratoga, Los Altos Hills, Campbell, Los Altos, and Los Gatos beekeeping requirements

7-20.230 - Beekeeping.

- (a) **Purpose.** This Section is adopted to establish provisions to regulate keeping and maintaining colonies of bees within the City, in order to protect and promote the public health, safety, welfare, comfort and convenience, while permitting the reasonable uses of bees in commercial and agricultural activities.
- (b) **Definitions.** For the purposes of this Section, and other provisions of this Code, the following words shall have the meaning respectively ascribed to them in this subsection, unless the context or the provision clearly requires otherwise:
- (1) **Apiary** means bees, hives and appliances wherever the same are kept, located or found.
 - (2) **Bees** means honey-producing insects of the species *apis mellifica*, including the adults, eggs, larvae, pupae or other immature states thereof, together with such materials as are deposited into hives by their adults, except honey and rendered beeswax.
 - (3) **Hive** means any receptacle or container made or prepared for the use of bees, or a box or similar container of which bees have taken possession.
 - (4) **Location** means any premises upon which an apiary is located.
- (c) **Notice required when moving apiaries.** No apiary shall be moved into the City or within the confines of the City without notice in writing being given to the City Manager within five days from the date movement is begun, stating:
- (1) The number of colonies of bees to be moved into or within the City.
 - (2) The location of the property in the City to which bees are to be moved, and the name and address of the owner of the property or person in possession thereof.
 - (3) The distance of the proposed location of the apiary from the nearest public road intersection.
- (d) **Location of apiary.** No apiary shall be located:
- (1) At a distance less than five hundred feet from the nearest residence, church, school, public building, corral or water area in the corral unless the owner or person in possession thereof has given written permission to the location of said apiary at a closer distance.
 - (2) On any lands without the written consent of the owner or person in possession thereof.
 - (3) Closer than three hundred feet from any public road.
- (e) **Water supply.** A water supply adequate in quantity for the apiary should be provided and maintained.
- (f) **Identification of premises.** Every person maintaining any apiary on premises other than their own residence shall identify the apiary by affixing and maintaining signs thereto showing the name of owner or person in possession of the apiary, the owner or person's address and telephone number, or a statement that the owner or person has no phone. These signs shall be prominently placed and maintained on each entrance side of the apiary and immediately adjoining the same and lettered in black at least one inch in height on a white or light background.
- (g)

Notice, correction of violation. Any person transporting or maintaining an apiary who violates any of the provisions of this Article may be given verbal or written notice by the City Manager, Animal Control Officer or deputy sheriff. A written notice shall also be posted on the location for forty-eight hours, and it shall be unlawful for the owner or person in possession of said apiary to fail to correct the violations within that period. The provisions of this Section, however, shall not authorize the keeping of bees in areas where they are not otherwise allowed by law.

- (h) **Penalty, abatement.** Every person violating any provision of this Section who has been given notice thereof has prescribed herein shall be guilty of a misdemeanor.

(Ord. 71-136 § 1 (part), 1994)

Monte Sereno	
Location	Permitted within the rear yard
Property Line Setback	10' from the rear property line and 6' from the sides
Orientation	Entrance of the hive shall face a house or building on the premises
Amount	<ul style="list-style-type: none"> • No more than 6 apiaries or hives in R1-44 zone (Min lot size-43,560 sq. ft.) • No more than 4 apiaries or hives in R1-20 zone (Min lot size-21,780 sq. ft.) • No more than 2 apiaries or hives in R1-8 (Min lot size 8,000 sq. ft.)
Height	No taller than 6'
Commercial	no apiaries, hives, or products from them shall be used for commercial purposes
Compliance with Laws	any person who maintains apiaries or hives on his/her property shall comply with all local, state, and federal laws

Cupertino	
Location	<ul style="list-style-type: none"> • Agricultural apiaries as permitted in Chapter 19.20 (Zoning districts AP & A-1P) • Urban apiaries in all zoning districts
Setback	<ul style="list-style-type: none"> • 20' from the front property line and/or any public or private streets • 10' from side or rear property lines and/or driveway easements (unless owner has written permission to locate closer to PL)
Maintenance	A water supply adequate in quantity for the apiary should be provided and maintained on the location. Any apiaries abandoned by beekeepers or disused apiaries shall be promptly dismantled and removed from the location
Amount	Only 2 hives may be kept or maintained on parcels less than 5,000 square feet
Registration	All apiaries must be registered with the Santa Clara County Agricultural Commissioner as required by Division 13: Bee Management and Honey Production of the California Food and Agricultural Code commencing at Section 29000, and or as thereafter may be amended.

Santa Clara	
Location	No hive may be kept or maintained within any required front or side setbacks. No hive may be located closer than twenty (20) feet from any public road.
Setback	No hive may be kept or maintained within ten (10) feet of any side property line on the lot or parcel upon which such hives are situated, or within twenty (20) feet of any dwelling unit other than that occupied by the person maintaining the hive or hives, unless the owner or persons in possession of the adjacent property have given written permission to the location of such apiary at a closer distance.
Orientation	Entrances face a house or building on the premises and must be surrounded by a solid fence not less than 6' in height, located no farther than 30' from such hives. This condition may be met by locating such hives upon or affixed to a building or structure so that their entrances are more than ten (10) feet from the ground and face a house or building on the premises, or on a rooftop on a second or higher story of any building or structure and the hives are more than five (5) feet from the nearest side of the building or structure and at least fifteen (15) feet from the nearest adjacent building or structure.
Amount	No more than two (2) hives may be maintained on any lot or parcel, unless the City Manager, in his or her sole discretion, consents in writing to a higher amount. No hive shall be kept on any lands without the written consent of the owner or person in possession thereof
Maintenance	A constant water supply adequate to the needs of all hives located on the premises must be maintained on those premises.
Identification of Premises	Every person maintaining any apiary on premises other than their own residence shall identify the apiary by affixing and maintaining signs thereto showing the name of owner or person in possession of the apiary, the owner's or person's address and telephone number or a statement that the owner or person has no phone. These signs shall be prominently placed and maintained on each entrance side of the apiary and immediately adjoining the same and lettered in black at least one inch in height on a white or light background
Registration	The owner's name, address, and location of all such hives must be registered with the Office of the Santa Clara County Agriculture Commission

City	Beekeeping Allowed	Distance	Distance of Hives from Public Road	Water Supply	Code Section	Notes
Saratoga	Yes	At a distance not less than <u>five hundred</u> feet from the nearest residence, church, school, public building, corral or water area in the corral unless the owner or person in possession thereof has given written permission to the location of said apiary at a closer distance	300 Feet	A water supply adequate in quantity for the apiary should be provided and maintained	7-20.230	-
Los Altos Hills	Yes	At a distance not less than <u>one thousand</u> feet from the nearest residence, church, school, public building, corral or water area in the corral unless the owner or person in possession thereof has given written permission to the location of said apiary at a closer distance	300 Feet	A water supply adequate in quantity for the apiary should be provided and maintained	6-1.806	-
Campbell	Yes	At a distance not less than <u>one thousand</u> feet from the nearest residence, church, school, public building, corral or water area in the corral unless the owner or person in possession thereof has given written permission to the location of said apiary at a closer distance	300 Feet	A water supply adequate in quantity for the apiary should be provided and maintained	7.28	-
Los Altos	Yes	-	-	A water supply adequate in quantity for the apiary should be provided and maintained	5.10.010	1 hive allowed for each 5,000 square feet of lot area
Los Gatos	Yes	At a distance not less than <u>one thousand</u> feet from the nearest residence, church, school, public building, corral or water area in the corral unless the owner or person in possession thereof has given written permission to the location of said apiary at a closer distance	300 Feet	A water supply adequate in quantity for the apiary should be provided and maintained	4.80.030	-