

City of Hesperia STAFF REPORT



DATE: October 3, 2017

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager **SECOND READING AND ADOPTION**

BY: Mike Blay, Director of Development Services
Dave Reno, Principal Planner
Daniel Alcayaga, Senior Planner
Liz Delvin, Animal Control Officer

SUBJECT: Development Code Amendment DCA17-00008 to amend Chapters 6.12 and 16.16 of the Municipal Code as it pertains to apiaries.; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2017-19 approving Development Code Amendment DCA17-00008, amending Chapters 6.12 and 16.16 of the Municipal Code as it pertains to apiaries.

BACKGROUND

On September 14, 2017, the Planning Commission forwarded this item to the City Council with a recommendation for approval by a 5-0 vote. There are inconsistencies as it pertains to Apiaries Title 16 (Development Code) and Title 6 (Animal Care and Control). Title 6 currently prohibits apiaries, except for three hives or fewer, and must be located 150 feet from a neighboring residence. Title 16 currently allows apiaries in certain zones provided hives are 50 feet from the public right-of-way, a residential property, a residence, schools, and parks.

ISSUES/ANALYSIS

Apiaries: Title 6 and Title 16 are being amended to allow Title 6 to take precedence over the Apiary regulations. In Title 6, three hives or fewer will continue to be permitted, but must be located 300 feet from the right-of-way, a residential property, a residence, schools, and parks. This distance is in line with provisions from surrounding cities. Based on codes from other jurisdictions, a six-foot barrier should be required to be placed around the hives to deter bees from swarming to the ground. A nuisance clause was also added to help enforce these provisions in abatement cases.

Environmental: Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as Development Code Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan.

Conclusion: Staff supports the Development Code Amendment, as it will make Titles 6 and 16 consistent in regulating Apiaries.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2017-19
2. Exhibit "A"