

PUBLIC HEARINGS

CITY-INITIATED REQUEST TO AMEND THE CITY OF MISSION VIEJO MUNICIPAL CODE TITLE 10, ANIMALS TO ALLOW AND REGULATE BEEKEEPING IN SINGLE-FAMILY RESIDENTIAL ZONES WITHIN THE CITY OF MISSION VIEJO.

Planning and Economic Development Manager Longenecker presented the staff report. At the March 10, 2020 City Council meeting, the City Council directed staff to prepare a draft ordinance to allow and regulate bee-keeping within the City of Mission Viejo. During public comments at that meeting, high school student Maya Cappellino spoke on the community benefits of residential beekeeping.

Planning and Economic Development Manager Longenecker reviewed the draft ordinance as prepared by the City Attorney and staff. Some requirements include an adequate supply of water for the bees, adequate space maintained within the hive to mitigate overcrowding and aggressive bees, and registering the bee colony with the Orange County Agricultural Commission and demonstrating compliance with their regulations. The number of beehives on a single family residence would be determined by the size of the lot, and the ordinance requires street and property line setbacks.

Commissioner Blum inquired who would have responsibility if someone becomes ill or dies from a bee sting. Assistant City Attorney Harper noted that there is no liability to the City, and that it is the bee owner's responsibility, and liability would hinge on whether the beekeeper failed to follow the rules and regulations. The City would have statutory immunity.

Commissioner Knauerhaze asked if Code Enforcement would be the first level of contact. Assistant City Attorney Harper noted they would enforce any municipal code violations. Director Lister added that Agricultural Commission Janet Gibbs noted her agency could help with preventative measures.

Vice Chairman Ruesch questioned whether the City would have a list of any active beehives. Director Lister stated that it should be public information.

Chairman Breton inquired how the City would know if beekeepers were notifying neighbors that they had beehives. Director Lister noted it is the onus of the beekeeper to comply with the ordinance. Chairman Breton also inquired on the species of bee. Assistant City Attorney Harper noted that it would be limited to the domestic honey bee. Lastly, he asked about the sale of the honey, and if the beekeeper would be required to obtain a license for commercial sale. Planning and Economic Development Manager Longenecker noted this ordinance only addresses the keeping of bees.

Chairman Breton opened the public hearing.

Maya Cappellino, spoke in favor of the ordinance. She stated her concern for the decline in the bee population, and that her Girl Scout Gold Award Project is to focus on the bees and their impact to the environment, and to advocate for the legalization of beekeeping.

Liz Savage, President, Orange County Beekeeping Association, spoke on the efforts of the non-profit association to help educate the public on beekeeping. Regarding the sale of honey, she noted a cottage license would be required from the County of Orange Health Department. She noted she works closely with the Orange County Agricultural Department and most complaints on bees are beehives in water meters or on public property, not from private property. There are also different breeds within the species of the domestic honeybee.

In response to Vice Chairman Ruesch's inquiry on beehives, she stated while there are different types and personal preferences, the concern is that all the internal parts are removable so she can inspect to ensure the queen and hive are healthy with no disease. If the beekeeper monitors his hive, he will know when the colony is growing and if it is time to split a hive.

Ms. Savage noted that Orange County Beekeeping Association has a newsletter and a website that includes email addresses, and phone numbers of the board for beekeepers to contact if they have any questions or need information. She added that the Association presells a bee package with a genetically docile queen that is geared to new beekeepers.

Emails were received from KJ Banuk, Karine Pouliquen, Connie Major, Michael Henderson, Pamela Fraser, Louise Karkoutli, Jeannie Studer, Peter Sissins, T McAleer, Robert Brady, Sean Crowley, in support of the ordinance. Comments included that bees are indispensable, an essential part of the environment that are important to agriculture for the pollination of fruits and vegetables. Bees also improve the yield and quality of produce and flowers. Honeybees are gentle, industrious insects that are easy to work with. There has been major colony loss of honeybees due to mites, parasites, pesticides and colony pests. Bees are an asset to the community.

In addition, there were two calls in support of the ordinance from Mike Elliott and George.

Chairman Breton discussed multiple beehives and the size of a yard. Ms. Savage stated that the bees do not stay in the box as they travel up to three or four miles daily to find water, pollen and nectar. The size of the yard has nothing to do with the number of hives, and she would recommend three hives so the beekeeper can manipulate the hives to sustain the colony. She added she has six hives on 11,000 square feet. The Beekeeping Association promotes commercial queens and genetically docile bees.

Chairman Breton stated it was noteworthy that no one spoke in opposition to the ordinance, but he asked Ms. Savage what about the 1% of the population that is deathly allergic to bees. Ms. Savage stated it is within the City's right that the ordinance require a beekeeper to notify residents within 100 foot radius of their property.

There being no further testimony, Chairman Breton closed the public hearing.

Commissioner Leckness stated he supported Maya Cappellino in her monumental movement and he was in favor of the ordinance.

Commissioner Blum noted he was in favor of the ordinance and he had worked with bees in the

Central Valley.

Chairman Breton noted it had been suggested that the City allow for more colonies, and asked staff to conduct research to determine if there would be any safety issues with additional hives before the ordinance is sent to the City Council for review.

Chairman Breton also asked if staff could strengthen the language in the preamble of the ordinance with reasons for allowing beekeeping in the City.

Chairman Breton noted that the ordinance is for single family residences, and asked that the language in Section 10.01.298 – Conditions for Beekeeping be modified in the first sentence to delete the words “:firm, partnership, association, corporation, company syndicate, estate, trust, or organization”. Assistant City Attorney Harper suggested to replace “person” with “resident”.

On motion by Commissioner Blum, seconded by Commissioner Leckness, and unanimously carried, the Commission recommended adoption of an Ordinance on beekeeping with the instruction of staff to research the number of hives that are recommended to successfully keep healthy bees.

NEW BUSINESS

CITY’S STREET NAME CHANGE POLICIES AND PROCEDURES

Senior Planner Martin presented the staff report noting a letter was addressed to the Mayor requesting a street name change, and Chairman Breton requested staff to place the Street Name Change Policies and Procedures on the agenda for discussion. Mr. Martin reviewed the procedures that accompany a request including an application fee of \$6,900, with a letter of explanation with the reasons for the proposed change, the current and proposed street name, and the number of addresses that would be affected by the name change. In addition, the application is reviewed by various agencies, and City staff. The application would be considered by the Planning and Transportation Commission in a noticed public hearing. The application would also be considered by City Council as the final decision making authority at a second noticed public hearing. If approved, the applicant would be responsible for any fees associated with the interim and permanent installation of signs.

The Commission noted that the email received from a resident requesting a renaming of “Terreno Drive” to “Lopez-Alegria Drive” did not follow the City’s policies and procedures beginning with applying for a Change of Street name application and application fees.

Assistant City Attorney confirmed the correct procedure would require two noticed public hearings.

Commissioner Blum questioned if the Commission was comfortable with the ordinance as written. Since there was no application, he suggested sending a letter to the resident explaining why the Commission is taken no action at this time.

On motion by Commissioner Blum, seconded by Commissioner Leckness, and unanimously