



Planning Services COUNCIL REPORT

TO: Mayor and Council **DATE:** July 10, 2020
FROM: Manager of Planning Services
SUBJECT: **Animal Control Amendment Bylaw No. 238, 2020**
Zoning Amendment Bylaw No. 239, 2020
Proposed regulations pertaining to the keeping of bees.

RECOMMENDATION:

1. **THAT Animal Control Amendment Bylaw No. 238, 2020 be introduced and read a first time by title only.**
2. **THAT Animal Control Amendment Bylaw No. 238, 2020 be read a second time.**
3. **THAT Zoning Amendment Bylaw No. 239, 2020 be introduced and read a first time by title only.**
4. **THAT Zoning Amendment Bylaw No. 239, 2020 be read a second time and taken to Public Hearing in conjunction with a Regular Council meeting to be held on August 18th, 2020.**

A. KRAUSE, RPP, MCIP
Manager of Planning Services

Approved for
Council Consideration
CAO

SUMMARY

In May of 2019, Planning Staff brought a report to Council regarding new cannabis regulations. Tied into that process, other 'housekeeping' zoning amendments were contemplated at that time, including policies on beekeeping. Beekeeping regulations were sought in light of the District receiving its designation as a "Bee City" and the desire to clarify beekeeping regulations as the Animal Control Bylaw remains ambiguous on the topic. During the Public Hearing of the proposed amendments, concerns were voiced from beekeeping advocates that the proposed regulations were too limited, would negatively impact beekeepers, and did not align with more permissive allowances in other communities, notably the City of Kamloops. As such, the proposed beekeeping regulations were defeated. Since that time, Staff consulted with local beekeeping advocates to discuss regulations that are more acceptable. Based on this input, Staff has drafted

proposed regulations which have been supported by the main local beekeeping advocates, as well as the Provincial Apiary Inspector from the Ministry of Agriculture.

BACKGROUND

Timeline of Consultation and Work to Date

Staff undertook to consult key contacts regarding proposed bylaw clarifications on beekeeping. The following timeline summarizes the consultation and work to date regarding this project.

<ul style="list-style-type: none"> • January 21 	Planning Staff meets with two beekeeping advocates in the District representing the local beekeeping organization/club. Discussion includes concerns with 2019 proposed changes, Kamloops’ beekeeping regulations, beekeeping challenges such as swarming, and appropriate number of hives for different lot sizes.
<ul style="list-style-type: none"> • Late January to early March 	Staff prepare new draft regulations for beekeeping (Zoning and Animal Control Bylaw amendments).
<ul style="list-style-type: none"> • March 19 	Staff sends detailed email to main beekeeping representative in the District (to coordinate and compile input from entire beekeeping group) which explains proposed changes and includes drafts of both amendment bylaws.
<ul style="list-style-type: none"> • April 24 	Beekeeping representative emails Staff that beekeeping group is satisfied with the proposed changes.
<ul style="list-style-type: none"> • April 27 	Staff emails Provincial Apiary Inspector (PAI) from the BC Ministry of Agriculture requesting input on the proposed changes.
<ul style="list-style-type: none"> • May 12 	Staff consults with City of Kamloops’ Bylaw Department regarding bee complaints and enforcement.
<ul style="list-style-type: none"> • May 29 	Staff consults with Provincial Apiary Inspector regarding the proposed amendments and recommended changes/considerations.
<ul style="list-style-type: none"> • June 11 	Staff follows-up with representative of the Clearwater beekeeping community to discuss minor changes proposed by Provincial Apiary Inspector and feedback received regarding orientation of hives/appropriate honeybee flight path.

Proposed Changes

Planning Staff recommend that beekeeping regulations be fully contained in the Animal Control Bylaw. The only proposed change to the Zoning Bylaw is to acknowledge in Section 5 (General Regulations) that beekeeping is permitted in all zones, subject to the Animal Control Bylaw. Rather than restricting apiary use to residential properties only (as proposed in 2019), Staff felt it more appropriate to permit beekeeping as a blanket use in all zones but limit the number of hives based on lot area. With growing concerns around food security and viable honeybee populations, beekeeping has become the new normal; bees are raised in even the most urbanized settings such as hotel rooftops in Vancouver or the Opera House in Paris. The newly proposed changes

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are more permissive than the ones prepared last year and do not limit beekeeping to residential properties only. Conceivably, existing businesses could incorporate beekeeping into their business model (i.e. a restaurant/café could keep bees and sell honey on the side). Realistically, only certain businesses would pursue this additional beekeeping venture and all of its associated costs, time, and challenges.

The specifics on the proposed changes to the Animal Control Bylaw are summarized below:

Maximum Number of Hives:

- Four (4) hives on any lot that is less than 2,000 m² (0.5 acres).
- Six (6) hives on any lot that is equal to or greater than 2,000 m² (0.5 acres) and less than 8,000 m² (2 acres).
- Ten (10) hives on any lot that is equal to or greater than 8,000 m² (2 acres) and less than 2 ha (5 acres).
- No limit to number of hives on lots greater than or equal to 2 ha (5 acres).

Hives must be:

- At least 3 metres from any property line (*current requirement is 5 m in the Bylaw. It was reduced to 3 m which aligns with other municipal bylaws such as Kamloops and Ashcroft*).
- Oriented in one or more of the following ways to ensure an appropriate bee flight path:
 - hive entrances must face away from all neighbouring properties; or
 - be located in a yard which has a continuous, fence or hedge that is 1.8 metres in height; or
 - be installed on an elevated platform (deck, rooftop, etc.), so the colony entrance will be situated 2.5 metres or more above ground level.
- Enclosed and/or sited in such a way that is bear-proof.

Every Person Keeping Bees Must:

- Register with the BC Ministry of Agriculture, as required throughout BC and retain proof of registration.
- Comply with the Provincial *Animal Control Act*, Bee Regulation, as amended and superseded.
- Provide a water supply to prevent bees from seeking water from other sources, such as neighbouring pool decks, ponds, and bird baths.
- Take all reasonable measures to prevent and manage swarming or defensive behavior by the bees.

DISCUSSION

Number of Hives

The maximum number of hives are reflective of the concerns heard from the beekeeping community that anything less than four hives is not feasible due to the high risk of a hive not surviving through Clearwater's cold winters, making the replacement of bees very costly. To put this into context, this means that the *smallest urban sized lots (i.e. on Robson St) could have up*

to 4 permanent hives on any property. Lots greater than or equal to 2 ha would be allowed an unlimited number of hives. The City of Kamloops' Animal Control Bylaw allows unlimited hives on properties greater than or equal to 2 ha. Kamloops' Bylaw Enforcement Department contacted Planning Services on May 12th and confirmed that since January 2019 (over about 1.5 years), there have only been six bylaw files regarding bees. Three of the files were information only (people asking if they could have bees and the limits); two of the files were concerns about bee allergies, and one was a concern regarding a hornet's nest in a public area. Overall, Bylaw Enforcement confirmed that issues/complaints regarding bees have been minimal to date.

The "hive" map enclosed with this report provides a visual reference for the number of hives permitted based on lot size in different neighbourhoods/areas of the District.

No distinction was made between "hive" or "nucleus colony" based on feedback from the local bee group. A "nucleus colony" is essentially a small hive created from a larger hive and is intended to be temporary in nature (as it quickly builds up to form a larger hive). So practically, someone on a lot under 0.5 acres may have 4 hives and a nucleus hive or two in the short term – as soon as the nucleus hive has served its function, a property owner would have to go back to the maximum hive limit.

Location of Hives

The recommended siting of hives includes orientation to ensure a clear flight path for bees (a standard best practice as recommended by the Provincial Apiary Inspector). Representatives of the beekeeping community also reviewed and recommended that orientation of hive entrances away from neighbouring lots is effective, as is the installation of a fence/hedge or siting of hives on an elevated platform. As such, Staff proposes including all three options as suitable ways to site hives. The current setback of 5 metres from property lines is suggested to be reduced to 3 metres to align with other Bylaws in the region. As well, 5 metres seemed to be too great a distance that could make siting of hives difficult on smaller, urban lots. The regulation of ensuring hives are enclosed/sited in a bear-proof way is practical given Clearwater is susceptible to having bear issues if property owners are inattentive.

Requirements for Beekeepers

The general regulations listed for beekeepers are best standards for keeping of bees that seasoned beekeepers are typically aware of. However, bylaws ought to be written as explicitly as possible to ensure that everyone knows of and can meet the obligations, especially those with less experience/knowledge on the topic. In discussions with the community's beekeeping advocates, numerous measures can be taken to prevent swarming and if beekeeping is done right, swarming is rarely an issue.

The beekeeping group offered to share their contact information with the District to pass along to anyone looking for beekeeping advice. As well, the group is willing to assist with issues/complaints that arise in the future so that owners can improve the situation and prevent similar issues from happening again. If Council approves the proposed bylaw changes, Planning Staff could prepare a contact/F.A.Q. page for the District regarding beekeeping.

Feedback from Provincial Apiary Inspector (PAI)

Following input from the beekeeping community, Planning Staff contacted the PAI to discuss the proposed regulations in more detail and a telephone call was held with Staff on May 29th. The following summarizes the input received:

- The number of colonies proposed on the smallest lots seems a little high; however, is not expected to be too concerning if bees are properly managed and enforcement action is taken where bees are causing neighbourhood issues and are not being managed well.
- It is reassuring that feedback from the beekeeping community was carefully considered in preparing these regulations. It is also highly recommended that a list of 'veteran' beekeepers be kept at the District office. More experienced beekeepers could assist in managing issues, mainly swarming which is more common with new beekeepers. This would give beekeepers a change to remedy and prevent future issues.
- Dictating number of hives permitted based on lot size is a good idea and is practical and defensible. Other jurisdictions have tried regulating bees by zoning, which has been problematic at times.
- Nucleus colonies (small hives created from a larger hive) are temporary in nature (could be stored over a winter) and are a standard way to manage/control swarming. They do not need to be defined separately as they are still essentially a 'hive'.
- Requiring a bear proof enclosure is a good idea and it is fine to leave this broad and not be too prescriptive (i.e. requiring electric fence or other specific requirement).
- Requirements for a proper honeybee flight path should be included as a standard best practice. These flight path requirements ensure bees travel up and out of the hive at a higher angle rather than straight across into a neighbouring property.

ATTACHMENTS

- Animal Control Amendment Bylaw No. 238, 2020
- Zoning Amendment Bylaw No. 239, 2020
- Beekeeping Map – Number of Hives Allowed Based on Lot Size