

ORDINANCE NO. 2021-10-042

**AN ORDINANCE OF THE CITY OF BELLINGHAM,
WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE
CHAPTER 7.12 REGARDING SETBACK AND DISTANCE
STANDARDS ASSOCIATED WITH THE KEEPING OF BEES.**

WHEREAS, the City of Bellingham allows for the keeping of bees within the city; and

WHEREAS, the Bellingham Municipal Code 7.12.060 establishes standards to regulate the keeping of bees within the City, including separation and setback requirements from property lines to minimize impacts on adjacent properties; and

WHEREAS, interest in keeping bees has increased from residents and best practices have evolved since the adoption of the current setback standard; and

WHEREAS, alternative standards have been developed to better protect adjacent properties from potential impacts; and

WHEREAS, the City has identified standards that are consistent with best practices and in the public interest; and

WHEREAS, the responsible official reviewed the proposed code amendments under the procedures of the State Environmental Policy Act, and a Determination of Non-Significance was issued on June 7, 2021; and

WHEREAS, as required by RCW 36.70A.106, notice of the proposed code amendments was sent to the Washington State Department of Commerce on June 25, 2021; and

WHEREAS, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on the proposed code amendments on June 17, 2021; and

WHEREAS, the Planning Commission considered the staff report and comments received and thereafter made Findings, Conclusions, and Recommendations for approval of the proposed amendments by a 6-0 vote; and

WHEREAS, the Planning Commission finds that the proposed code amendments are consistent with and will implement the Policies LU-81, LU-83, and ED-51 of the 2016 Bellingham Comprehensive Plan; and

WHEREAS, after mailed and published notice as required by BMC 21.10, the City Council held a public hearing on the proposed code amendments on October 11, 2021; and

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WHEREAS, the City Council considered the recommendation of the Planning Commission, the staff report, and the public comment and hereby adopts the Findings, Conclusions, and Recommendations of the Planning Commission; and

WHEREAS, the City Council finds that the proposed amendment is consistent with and will implement the Policies LU-81, LU-83, and ED-51 of the Bellingham Comprehensive Plan.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Bellingham Municipal Code Section 7.12.060 is amended as set forth below. Amendments are shown in strikethrough/underline format.

A. No change.

B. Hives or colonies of bees shall be kept in a manner in which they are inaccessible to the general public and so that bee movements to and from the hive do not interfere with the ordinary movements of persons on adjacent properties or the public right-of-way. ~~Hives shall be located at least 50 feet from the nearest property line.~~ No person shall locate a beehive within twenty-five (25) feet of any property line except:

(1) When the hive is situated eight (8) feet or more above the grade immediately adjacent to the subject lot, or

(2) When the hive is situated less than eight (8) feet above the grade immediately adjacent to the subject lot and behind a solid fence or hedge at least six (6) feet in height running parallel to any property line and extending at least twenty (20) feet beyond the hive in both directions.

All colonies must be registered with the Director of the Department of Agriculture of the state of Washington as provided in RCW ~~15.60.030~~ 15.60.021. The terms "hive," "colony," "colonies of bees" and "bees" as used in this section shall have the meanings set forth in RCW 15.60.005.

C through E. No change.

Section 2. If any section, sentence, clause, or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. City administration and the codifiers of this ordinance are authorized to make necessary clerical corrections, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

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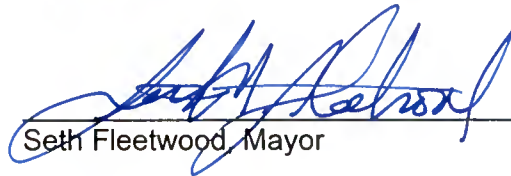
Section 4. The City Council agrees with and hereby adopts the Findings, Conclusions, and Recommendations of the Planning Commission, attached as Exhibit 1.

PASSED by the Council this 25th day of October, 2021.

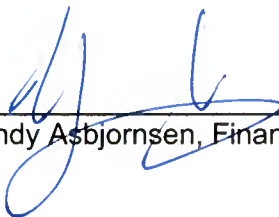


Hannah Stone, Council President


APPROVED by me this 27 day of October, 2021.



Seth Fleetwood, Mayor

ATTEST: 

Andy Asbjornsen, Finance Director

APPROVED AS TO FORM:


Office of the City Attorney

Published:

October 29, 2021

**BELLINGHAM PLANNING COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS**

BEEKEEPING SETBACK REVISION

JUNE 17, 2021

SUMMARY

Following the public hearing and deliberation on revising setbacks for beekeeping, the Bellingham Planning Commission determined that the changes are consistent with and will implement the goals and policies of the Bellingham Comprehensive Plan and should be recommended for approval.

I. FINDINGS OF FACT

1. Proposal Description:

Bellingham's current regulations on bee keeping are highly restrictive. Some with knowledge of the field assert that the adopted regulations are the most restrictive in the State. Current regulations state that hives must be located 50 feet from all property lines. While some restrictions are warranted to protect the public, there are alternative standards that can allow for reduced setbacks while minimizing risk. The proposal would adopt an alternative setback standard.

2. Background Information/Procedural History:

The Planning Commission was briefed on the proposed revision prior to the public hearing. Public comment was taken at each of that hearing. The process to date has included the following Planning Commission meetings:

May 6, 2021: Under the Director's Report, staff introduced forthcoming code amendments regarding setbacks for beekeeping.

3. Public Comments:

Notice of the Planning Commission public hearing was mailed to neighborhood association representatives and other parties with an interest in this topic. Notice was also published in the Bellingham Herald at least 30 days prior to the hearing.

4. State Environmental Policy Act (SEPA) Determination:

A non-project SEPA Determination of Non-Significance (DNS) was issued on June 7, 2021. Notice was mailed to the appropriate agencies and published in the Bellingham Herald and on the City's website. No public comments were submitted on the DNS prior to publication of the meeting packet.

II. CONCLUSIONS

Based on the staff report and information presented at the public hearing, the Planning Commission concludes:

1. The proposed amendments comply with and will implement the goals and policies of the Bellingham Comprehensive Plan, including those related to healthy food access for residents and those that encourage locally based food production.
2. The proposed amendments will support beekeeping within the City by reducing required setback requirements. Beekeeping has many outcomes (such as supporting pollination and the production of honey) which are in the public interest.


III. RECOMMENDATION

After careful consideration of all public comments, the staff report, other meeting materials, and the Findings and Conclusions, the Planning Commission recommends, with a 6-0 vote, that the City Council approve the proposed amendments to the Bellingham Municipal Code as shown in the draft ordinance.

ADOPTED this 17TH day of June 2021.

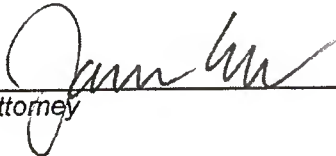


Planning Commission Chairperson

ATTEST: 

Recording Secretary

APPROVED AS TO FORM:



City Attorney