2022 Apiary Registration Issues - City of Elk Grove

By Donald Ruddick

This started when my 2022 apiary registration with Sacramento County was placed on hold.  I had paid the fees and filled out the paperwork as I have in previous years. I received a call from the County Agriculture Office regarding my 2022 apiary registration. An Ag Inspector stated that my registration was placed on hold as my colonies in Elk Grove were in a residential zone and not an agricultural zone. This same Ag Inspector who had approved/acknowledged my registration for previous years was informed by Elk Grove Code Enforcement that apiaries could not be registered in residential zoned parcels. He emailed me the sections an Elk Grove Code Enforcement Officer cited for reasons the County Ag Office should not process any residential zoned parcel apiaries in the city.

I also called Elk Grove Code Enforcement to try to figure out where things changed and was told beekeeping was not allowed in any residential zoned parcel. The code enforcement officer was abrupt initially in the conversation and was, to me, borderline rude. I spent time that evening trying to find where the issue came from since my previous information from the city was to follow guidelines set forth by Sacramento County and register the colonies with them. I also set up where to move my colonies if I needed to immediately. **[December 7th]**

My wife has a friend who knows a significant person within the city. A Deputy Director for Planning emailed my wife back the following day **[December 8th]**saying urban beekeeping was okay since 2009 and was reaching out to make sure things got corrected. He said to email or call his office. After not being able to contact him by phone I emailed him **[December 9th]**. Below is my email to the Deputy Director:

*I am a "hobbyist" beekeeper within the City of Elk Grove and you replied to a request from my wife trying to help me out. I will give a little background of how this arose.*

*In 2020 my interest in having an apiary spiked again when my son said he was interested. As part of my research I spoke with someone at city hall while making a payment for other services who said beekeeping was permissible and to follow guidelines set forth through the county agriculture department regarding apiaries. This included apiary registration, which was also done in 2021. Recently I made payment and sent the paperwork for my 2022 apiary registration. As part of this registration, addresses are used. A senior agriculture inspector with the County of Sacramento notified me my registration was being placed on hold as my parcel was designated residential.*

*The Ag Inspector explained to me during a telephone call that he had spoken with a city code enforcement officer about urban apiaries within the City of Elk Grove. He was directed to the city municipal code 23.26.050 for definitions and to 23.27.020 for allowed uses of land within the city.*

 *"Animal husbandry" means the raising and breeding of animals or production of animal products. Typical uses include grazing, ranching, dairy farming, poultry farming, and beekeeping, but exclude slaughterhouses and feedlot operations. This classification includes accessory agricultural buildings accessory to such uses. Animal sales, boarding, and grooming are defined separately under "animal sales and grooming." Keeping of animals is defined separately under "animal keeping."*

*Under the definition, beekeeping falls under the Animal Husbandry which is only allowed in agricultural zoned areas. "Animal keeping" does not address bees.*

*I called the City of Elk Grove and spoke with a code enforcement officer about "urban beekeeping" within the city. She told me "Let me just stop you right there, it is not allowed". I tried my best to minimize who I was and the location of my apiary initially while we spoke. She told me beekeeping was only allowed in agricultural zoned parcels. I explained I was not a commercial apiary and had only two hives. I again was told by her I was in a residential zoned area and could not house bees on my parcel based on my geographical location "near Betschart Park". Eventually I provided my address when she stated she would not open a case up as I was "ratting myself out" and appeared to want to correct the violation.*

*My wife spoke with a friend of hers. Through that contact is how I believe you became involved. I am requesting where I can locate the amended code stating "beekeeping is allowed in all zones" as stated in your email to my wife. I have researched the staff report you made in 2012 where it addresses apiary nuisances where beekeepers were not following best practices. I have checked municipal code 16.18.1136 "Care of Bees and Beehives". It directs to comply with zoning requirements as set for in the Zoning Code****or recommendations made by qualified experts retained by the City Manager****. If the authority to keep bees in all zones comes from the bolded text, can I obtain a copy of this recommendation?*

*Thank you for your time.*

My email reply from the Deputy Director of Planning was sent within ten minutes **[December 9th]**.

*Thank you for the email and information. I apologize for the confusion. As I mentioned in my voicemail this morning, the language of including beekeeping in a list a typical actions that could be animal husbandry, seems to be causing a misinterpretation here. I have spoken to both Code Enforcement and Planning to ensure they all understand the City Council's direction from 2009 to allow beekeeping in all zoning districts and instead use a system where should we receive a complaint regarding beekeeping, the Ag Commissioner's Office would partner with Code Enforcement to ensure no nuisances were present based on keeping outside of accepted best practices. We established an MOU with the Ag Commissioner in 2009 to that effect.*

*This morning I drafted a code amendment to remove beekeeping from the Animal Husbandry classification. In the meantime all staff (I plan to speak to the Ag Commissioner's office later today) have been informed that Council direction since 2009 has not changed and should be followed. I hope this helps and again I apologize for the confusion and appreciate you bringing this to our attention.*

*Shane G. Diller | Development Services
Assistant Director*

I appreciated the prompt way the deputy director handled the issue for those of us living within the city who enjoy beekeeping.  I emailed and spoke to the following individuals regarding this issue to keep all parties involved with the same information: City of Elk Grove – Development Services Assistant Director Shane Diller, County of Sacramento – Agriculture Department Deputy Director Kevin Martyn, and County of Sacramento – Agriculture Department Senior Agriculture Inspector Rishi Avila.

I had received an email from Assistant Director Shane Diller after I had reached out to the involved parties. His email was as follows **[December 14th]**:

*Good morning, Happy to help. Apologies again for the confusion. I worked hard with our beekeepers and SABA back in 08/09 to land on our current policies so I was definitely troubled to find out there was a glitch. The same offer to you and SABA, if I can be of help with anything don't hesitate to reach out.

Shane G. Diller | Development Services
Assistant Director*

I believe this whole exchange was expedited because of the previous working relationship SABA had with City of Elk Grove.  Through my research I found Shane Diller was previously a manager in charge of code enforcement for the city. He directly assisted the city council in its vision for beekeepers within the city.

I followed up with the assistant director towards the end of February as I understand how government works to see where in the process the drafted amendment was **[February 24th]**. This included if I was able to assist him or anyone in the city with any assistance.

He replied later that morning with the following:

 *Good morning,

2022 is treating me well so far. I hope it is with you as well.

The code amendment was passed through the Planning Commission earlier this month, I am drafting the staff report for the Council to consider now and it should go to their next meeting (3/9). I'll know for sure that it is making that meeting early next week. It would be helpful if you were willing to call into (or attend if we are back in person) to support the amendment. I have received some public comment asking that the amendment go the other way and further restrict beekeeping. I don't anticipate that it would get any traction, but having speakers to support keeping the current allowances wouldn't hurt.

Shane G. Diller | Development Services
Assistant Director*

I immediately replied back with an email. As the process was further along than I had expected.

*2022 is off to a different start.

Please keep me posted with the anything necessary SABA may need to know to assist in the amendment.  I know of at least one other SABA member who I talked to this morning who stated he would go to a council meeting in support if needed.  That is what prompted the email.  I would just need to know how and when such support would be needed at the specific public meeting.  I am sure I can get other SABA members living within the City as well if needed for additional support for passage.  I did not know there were any members of the public who would be in opposition to "saving the bees".   But I also do not know how often the City gets complaints.  If a letter would suffice I could probably get those from the membership who live within the City if you could provide an address where to send them to.

Thank you for your prompt reply.*

I began reviewing the Planning Commission meeting to see what occurred. Because of the Covid-19 protocols, city meetings have been held remotely. All meetings are archived after the fact on the city webpage allowing others to view previously held meetings. I reviewed the Planning Commission meeting and read the supporting documents. I agreed with the proposed amendment changes to allow beekeeping across all zones within the city. I also agreed to the changes in the language to animal husbandry and the creation of “beekeeping” language to the code. Assistant Director Shane Diller did not place any blame upon code enforcement or others in his staff report to the Planning Commission.

Prior to the City Council meeting I requested beekeepers within the City of Elk Grove to support the amendments making the request to several Facebook forums. I placed my thoughts on paper to send to the City Councilmembers.

I sent an email with an attached letter to the City Councilmembers and City Clerk to include for public comment. This letter was sent just prior to the City opening the Council Chambers to the public for the meeting. Below is the attached letter:

*Councilmembers:*

*As a member of the Sacramento Area Beekeepers Association I am in support of the amendments to beekeeping within the City of Elk Grove.  I feel it has been beneficial to the City by allowing any resident to follow best bee practices to assist the bee population.  As we know, bee populations around the world have suffered from colony collapse disorder.  Urban beekeeping, or as I like to say backyard beekeeping, is important because it contributes to the efforts to increase bee populations. Contrary to what one might expect, bees survive better in the urban environment, produce more honey, and are typically healthier than their rural bee counterparts.  Backyard beekeeping allows for better pollination of those residential flowers, plants, and trees within about a 3 mile area of the backyard colony.  Among the million or so beekeepers scattered around the world, the largest share of them are amateur beekeepers such as myself.  I don’t want this hobby to die, and the bees along with it.  I would like to wrap this up by saying the amended sections allow for the municipal code to fall in line with past practices as allowed by the City and this Council.  The City has been a strong supporter of backyard beekeeping and the amended changes should be approved.*

Debbi Gable emailed potential beekeepers within the city to attend the meeting which was now opened to the public in person. Debbi and I were the only beekeepers to come to the meeting. I spoke first when the floor was opened to the public to speak. I really hate public speaking and would rather be flogged in a city square. I did feel it was important enough to see this through and Debbi did ask me to read my letter to the council so she was not the only one speaking. I think I only stumbled a little bit losing my place in reading the letter. It was acknowledged later I had submitted my letter for public comment by email which now did not need to be read

Debbi also had spoken at the meeting and was a better orator then I. She obviously was also in favor of the beekeeping amendments. We left shortly after public comments ended and the motion for the amendments were approved.

In the end the City Council had corrected the information in the approval of the amendments to the municipal code for beekeeping. I truly appreciate the assistance from Assistant Director Shane Diller. Like he had said, “I worked hard with our beekeepers and SABA back in 08/09 to land on our current policies so I was definitely troubled to find out there was a glitch.”

Hopefully this process will have cleared up any future issues to any beekeepers within the City of Elk Grove.