Ordinance No. TLS 13-06-24B

Amendments to the East Wenatchee Municipal Code

LAND SERVICES

Public Hearing Notice: TLS Res. 13-24A

WHEREAS, Douglas County has agreed to adopt consistent development regulations in the unincorporated portions of the urban growth areas for the City of East Wenatchee; and

WHEREAS, the Douglas County Planning Commission has transmitted a recommendation to this Board to approve the amended development regulations for the City of East Wenatchee; and

WHEREAS, notice of all public hearings and public meetings on this matter have been published according to law.

NOW, THEREFORE, the Board of County Commissioners hereby adopts the Findings of Fact and Conclusions as set forth in Exhibit A and incorporate them in this ordinance by this reference as though fully set forth herein.

BE IT FURTHER, hereby resolved and ordained that the Board of County Commissioners adopt the amendments to the Douglas County Code as set forth in Exhibit B.

This ordinance shall be effective immediately. Dated this 30th day of July 2013 in Waterville, Washington.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

Steven D. Jenkins, Chair

Dale Snyder, Vice Chair

Ken Stanton, Member

Dayna Prewitt, Clerk of the Board
EXHIBIT A

Findings of Fact:

1. Proposed amendments to Title 17 - Zoning Code, East Wenatchee Municipal Code (EWMC) to amend provisions relating to livestock and poultry responding to requests for keeping small and large farm animals in residential zoning districts on smaller lots. Douglas County has adopted city codes for application within the unincorporated areas located inside the urban growth area (UGA) boundary. Any amendments adopted by the city are subsequently adopted by Douglas County.

2. The proposed text amendment would be effective within the residential zoning districts within the city of East Wenatchee and in the unincorporated portions of Douglas County within the East Wenatchee urban growth area.

3. The City of East Wenatchee has adopted a comprehensive plan pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which is a generalized, coordinated land use policy statement of the City. Goals and policies in the plan generally support the proposed amendment.

4. An Environmental Checklist was prepared on April 15, 2013. A threshold determination and environmental review pursuant to RCW 43.21C the State Environmental Policy Act was completed and a Determination of Non-significance was issued on April 22, 2013 with a comment period that ended on May 6, 2013. No comments were received indicating that the proposed project would have a probable significant adverse impact on the environment.

5. In accordance with RCW 36.70A.106 the draft amendments were transmitted to the Washington State Department of Commerce (Commerce) and other state agencies for review on April 12, 2013. Expedited Review for a comment period that coincided with the SEPA DNS comment period was requested. Commerce approved Expedited Review with an e-mail transmitted on April 30, 2013.

6. Public workshops regarding this proposal were held by the planning commission on May 3, 2011, August 2, 2011 and March 5, 2013.

7. City staff presented the draft amendments to the Douglas County Planning Commission at their March 13, 2013 public meeting.

8. Copies of the proposed amendments were transmitted to the Chelan Douglas Health District and Jacque Corlett and Jeffrey DeJarnett in the Agricultural Science Department at Eastmont High School on April 12, 2013.

9. Chapters 35A.63 and 36.70A RCW authorize the adoption of development regulations governing land use activities.

10. The City hereby finds that this development regulation amendment is consistent with the spirit and intent of the GMA.

11. Public testimony was taken at the hearing.

12. The Douglas County Regional Policy Plan outlines the process to review and adopt revisions the comprehensive plans and implementing development regulations within unincorporated portions of Urban Growth Boundaries.


14. The amendments to the East Wenatchee Municipal Code are consistent with the Greater East Wenatchee Area Comprehensive Plan and RCW 36.70A.
Conclusions:

1. It is the determination of the responsible official for the lead agency that no more than a moderate effect on the environment is a reasonable probability as a result of the proposed action. The proper exercise of the threshold determination process as required by WAC 197-11 is then an environmental impact statement is not required to be prepared for this project.

2. The proposed text amendment is consistent with and implements the goals and policies in the comprehensive plan.

3. Proper legal requirements of RCW 36.70A.106 and Title 19 EWMC were met and the community was given the opportunity to comment on the proposal at a duly noticed public hearing.

4. Approval of the proposal will not be detrimental to the public health, safety, and general welfare.
EXHIBIT B

17.08.063 Agriculture,
"Agriculture" means the tilling of the soil; the raising of crops; forestry; horticulture, nonretail greenhouses, nurseries and gardening; and the keeping or raising of livestock and poultry.

17.08.073 Animal,
"Animal" means any living nonhuman mammal, bird, reptile, or amphibian.

17.08.263 Farm animal, large,
"Farm animal, large" means animals including, but not limited to; horses, ponies, donkeys, mules, cows, llamas, bovines, goats, sheep, or other similar size and type of animal. Dogs, cats and other house pets are not considered farm animals.

17.08.264 Farm animal, small,
"Farm animal, small" means poultry, rabbit, or other similar size and type of animal. Dogs, cats and other house pets are not considered farm animals.

17.08.375 Livestock,
"Livestock" means animals including, but not limited to; fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine, or other farm animals excluding dogs and cats.

17.08.425 Miniature goat,
"Miniature goat" means those types of goats commonly known as Pygmy, Dwarf and Miniature Goats.

17.08.503 Pasture area,
"Pasture area" means that area which is enclosed within a perimeter fence, and does not include that portion of the property used for residential purposes such as required front yards and side yards. Pasture areas must be maintained with a permanent, uniform, vegetative top cover that provides forage at levels that matches the forage needs of the animal, and must be kept free of noxious weeds.

17.08.507 Pet or companion animal,
"Pet or companion animal" means any species of animal commonly kept by inhabitants of Washington State as a pet or for companionship, except that snakes exceeding 8 feet in length, venomous reptiles (regardless of whether the venom glands have been removed), and venomous amphibians (regardless of whether the venom glands have been removed) are not domestic animals, even if such animals are commonly kept by inhabitants of Washington State pets or for companionship.

17.08.522 Potbelly pig, miniature,
"Potbelly pig, miniature" means that type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bitius) that is 22 inches or less in height at the shoulder and no more than 150 pounds in weight.

17.08.523 Poultry
"Poultry" means chickens, ducks, geese, or similar types of domesticated birds kept for eggs or meat.
17.24.030 Accessory uses.
Subject to the dimensional standards set forth in EWMC 17.24.050, the following uses shall be accessory uses in the R-L district:

I. The keeping and raising of farm animals, livestock and poultry, as specified in EWMC 17.72.200; provided, that no commercial structure shall be constructed or maintained on the premises;

17.32.020 Permitted uses.
The following uses shall be permitted uses in the R-H district:

A. Any permitted uses allowed in the R-L district with the exception of agricultural uses;

17.32.030 Accessory uses.
Subject to the dimensional standards set forth in EWMC 17.32.050, the following uses shall be accessory uses in the R-H district:

A. All accessory uses allowed in the R-L district under conditions applicable to the R-L district as set forth in EWMC 17.24.030; except the keeping and raising of livestock and poultry. (Ord. 07-05 § 4, 2007; Ord. 01-03 § 1, 2001; Ord. 2000-3 § 4, 2000; Ord. 2000-02 § 8, 2000; Ord. 91-5 § 2, 1991)

17.72.200 Farm animals, Livestock,Livestock, and poultry.
It is the intent of this section to allow an individual to keep the following type of animals in residential zones: (1) small farm animals, large farm animals, domestic fowl, pot belly pigs, and miniature goats as part of a 4H, Future Farmers of America, or similar program; and (2) a pet or companion animal. It is not the intent of this section to permit commercial operations. Unless otherwise regulated by the East Wenatchee Municipal Code, all farm animals allowed by this section must comply with the following standards. Livestock and poultry are permitted within the R-L zoning district; provided the property ownership is at least one contiguous acre in size or greater and the following criteria are met:

A. Applicability
1. The keeping of small farm animals, miniature goats, and pot belly pigs is permitted as an accessory use in all zoning districts on lots containing no more than four dwelling units, subject to the standards and requirements in this section.
2. The keeping of large farm animals is permitted as an accessory use in the Residential Low Density Zoning District, subject to the standards and requirements in this section.

A.B. Minimum pasture area and restrictions on number of animals. The minimum pasture area maintained for each animal and limitations on the number of animals shall be as listed below:

1. Four small farm animals (non-commercial) are allowed per legal lot of record. Lots that are one contiguous half acre in size or greater are allowed no more than 12 small farm animals per acre. All small farm animals kept outside must be cooped or kept in hutches or pens or similar enclosures. One-half acre per each horse, pony, mule, cow and/or other similar size animal.

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2. **Large farm animals (non-commercial)** are allowed if the property ownership is at least one contiguous half acre in size or greater; at a ratio of one animal per 10,000 square feet of maintained pasture area. One-quarter acre per each sheep, goat or other similar size animal; and

Note: Animals enumerated in subsections (A)(1) and (2) of this section under one year of age shall be exempt from the above requirements; and

3. **Miniature Goats.** The types of goats commonly known as Pygmy, Dwarf and Miniature Goats may be kept in accordance with the provisions for small farm animals. All male miniature goats must be neutered. All miniature goats must be dehorned. Nursing offspring of miniature goats may be kept until weaned, no longer than 12 weeks from birth.

4. **Potbellied pigs.** Miniature Potbellied pigs are permitted. No more than one miniature potbellied pig is allowed per business establishment or dwelling unit. No potbellied pig may be kept as a domestic pet in the city if it is greater than 22 inches in height at the shoulder or more than 150 pounds in weight.

(Twelve poultry per acre. Poultry may include any combination of chickens, ducks, geese, or similar type animals;

C. **Prohibited animals and activities.**

1. The keeping of swine is prohibited, except for miniature potbellied pigs allowed under EVMC 17.72.200(B)(4).

2. The keeping of peacocks, roosters or other male poultry is prohibited.

3. No person may slaughter any animal within the city limits or the urban growth area, including all future amendments.

CHAPTER 14. **Commercial keeping or feeding of cattle, swine, other livestock, or poultry shall be prohibited.**

CHAPTER 25. **Commercial slaughter houses, rendering plants, manure composting, and feed lots for cattle, swine, chickens, other livestock or poultry shall not be permitted is prohibited.**

2.1: **Twelve small mammals per acre.** Small mammals may include any combination of rabbits, guinea pigs, ferrets, or similar type animals;

Note: Poultry and small mammals under three months of age are exempt from the above requirements; and

2.2: **One acre per each swine.** When located within an urban growth area no more than three swine are permitted per property ownership.

Note: Swine under three months of age are exempt.

Example: The minimum land area required for one sheep and one horse shall be one acre. Three-quarters of an acre shall be maintained in pasture.

B.D. **The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust, and general nuisances and shall be in compliance with any applicable humane society and health district regulations.**

C.E. **Adequate measures shall be taken to properly dispose of animal wastes.** Accumulations of animal waste shall be prohibited from being stored closer than 100 feet from any property line and/or any domestic or irrigation wells. Waste from swine shall be prohibited within 200 feet of any domestic or irrigation well.
D. F. Barns, shelters, coops, hutch, pens, or other buildings or structures for the keeping or feeding of cattle, horses, goats, sheep, poultry, or swine, or other similar shelters for large or small farm animals or birds shall must be located a minimum of 50 10 feet from any property line and at least 25 feet from any dwelling unit located on adjacent properties, or 100 feet from any off-premises residential dwelling, whichever distance is greater. All such buildings or structures must also comply with the dimensional standards and setbacks for placement of accessory buildings within the zoning district within which it is located.

E. Pastures are defined as that area which is enclosed within a perimeter fence, and shall not include that portion of the property used for residential purposes. Pasture areas shall be maintained with a permanent, uniform, vegetative top-cover and shall be kept free of noxious weeds.

G. A fence or other structure, adequate to contain the animal(s), must be maintained at all times.

F-H. Any future division of property must comply with the minimum standards above. The minimum pasture area and condition requirements must be met by each additional individual lot or parcel, including the original parcel of record, in order to maintain livestock or poultry on the property.

G-I. Exotic or unique animals shall be classified within one of the above categories according to similar size, weight, or type of animal, as determined by the director/administrator, and subject to the applicable regulations.

J. Temporary and periodic use of goats for weed control is permitted within all zoning districts and must comply with the following conditions:

1. The use may not exceed a total of 14 days per year.
2. The goats must be contained by an adequate containment fence at all times; and
3. All waste materials must be removed from the property within 24 hours.

K. Racing/Homing Pigeons.

1. Where permitted, Racing and homing pigeons are permitted as an accessory use to an owner's personal residence in any zoning district on lots with 4 dwelling units or less.

2. Standards Applicable to Racing/Homing Pigeons:
   a. The minimum lot size is 5,000 square feet.
   b. Pigeon lofts are considered accessory buildings and are required to be located in the rear yard of the lot.
   c. Lofts must be constructed and maintained in clean and sanitary conditions as not to create offensive odors, fly or insect breeding, or other nuisances.
   d. Only one loft is permitted per residential unit, and it may not contain more than one bird per square foot of loft floor space.
   e. Pigeons requiring freedom of flight for purposes of training, maintaining physical conditioning or competitive performance may be released for said purpose(s), but in no instance will pigeons be allowed to continually perch or linger on buildings, structures or property of others.
L. Annual Review by Planning Commission. The implementation of this section must be reviewed by the Planning Commission with a report submitted by the Planning Commission to the City Council on or about the one year anniversary date of adoption of Ordinance No. 2013-03.

H. Commercial keeping or feeding of cattle, swine, other livestock, or poultry shall not be permitted.

M. Commercial slaughter houses, rendering plants, manure composting, and feed lots for cattle, swine, chickens, other livestock or poultry shall not be permitted.