AGENDA
Wednesday – June 10, 2015 – 5:30 PM
Douglas County Public Services Building Hearing Room
140 19th Street NW, East Wenatchee, WA

I. CALL MEETING TO ORDER

II. ADMINISTRATIVE PROCEDURES
   a. Review minutes of the May 13, 2015 meetings.
   b. Status update on Regional Shoreline Master Program Limited Amendments

III. CITIZEN COMMENT
    The planning commission will allocate 15 minutes for citizen comments regarding items not related to the current agenda.

IV. OLD BUSINESS - None

V. NEW BUSINESS
   b. A workshop on proposed amendments to the Douglas County Code for frontage requirements and agricultural markets when located adjacent to a state highway and on adopted East Wenatchee Municipal Code amendments regarding frontage. These amendments are currently in a comment period.
   c. A workshop on proposed amendments to Section 18.16.190 Livestock and poultry.

VI. Adjourn
I. CALL MEETING TO ORDER

The meeting was called to order at 5:30 P.M.

Douglas County Planning Commission Members Present:
Chair Robert Knowles, Michael Machado, Roger Miller, Fred Suter, Norm Cavadini and Wayne Hawks

Douglas County Staff Present:
Mark Kulaas, Land Services Director
Stephen Neuenschwander, Principal Planner

East Wenatchee Staff Present:
Lori Barnett, Community Development Director

II. ADMINISTRATIVE PROCEDURES-
a) Approval of the action minutes from the March 11, 2015 Douglas County Planning Commission meeting. The motion by Planning Commission member Cavadini to approve the minutes as presented was seconded by Planning Commission member Suter. The motion passed with a unanimous vote in the affirmative.

III. Citizen Comment - None

IV. Old Business - None

V. New Business
a) A public hearing to consider adopted amendments to Sections 17.10 Definitions, 17.40 Use Chart, 17.44 Landscaping and Section 17.52 Conditional Uses of the Town of Waterville Municipal Code. Planner Neuenschwander presented the staff report and recommendation of approval. No members of the public testified at the hearing. Planning Commission member Machado made a motion to

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recommend approval of the amendments as presented. Planning Commission member Hawkes seconded the motion. The motion passed with a unanimous vote of the planning commission.

b) A workshop on draft revisions to the East Wenatchee Municipal Code on marijuana related business regulations. East Wenatchee Community Development Director Lori Barnett presented the draft amendments and proposed timeframe for adoption.

c) A presentation on the State mandated 2017 periodic update to the Countywide Comprehensive Plan and Development Regulations. Planner Neuenschwander presented an overview of the requirements of the periodic update for the comprehensive plan and development regulations. Scott Kuhta from the Washington State department of Commerce introduced himself to the planning commission.

VI. Adjournment
The public hearing adjourned at 6:15 P.M.
MEMORANDUM

TO: Douglas County Planning Commission
FROM: Douglas County Transportation and Land Services
DATE: May 29, 2015
SUBJECT: 2017 GMA Periodic Update – Draft Public Participation Plan

Attached is the draft public participation plan for the 2017 periodic update. The purpose of the plan is to provide for early and continuous participation in the process by outlining the goals and objectives of the update, the various ways to participate, the ways to receive notice of meeting and stay up to date, and the basic timeframe for the update process.

Please review the draft plan and come prepared to discuss at the meeting. Please contact Stephen Neuenschwander if you have any questions at 509-884-7173.
Douglas County 2017 GMA Periodic Update Public Participation Plan

Goal and Objectives

Goals:
1. Encourage county residents, property owners, and the community in general to participate on their terms in the Comprehensive Plan Update.
2. Complete the update by the required June 30, 2017 deadline to protect grant funding options.

Objectives:
1. Provide the community with the opportunity to participate in the update process through a variety of ways including both in person and online.
2. Build upon past planning work and carry forward the vision and direction that is important for the County.
3. Build community support and trust in the planning process.
4. Explain the laws by which the County is obligated to conduct the update process.
5. Use plain language principles to clarify and simplify the comprehensive plan and development regulations.

Public Involvement/Outreach
The following methods will be used to stay current with the update schedule and provide ways to participate and comment on the revisions.

Study Sessions: Informational sessions to update the Board of Commissioners and Planning Commission on project status and to discuss related topics or issues.

Open Houses: Informal information meetings to get feedback from the community on the update and revisions. Comments are collected through open house comment sheets or mapping exercises.

Public Workshops: Presentations and discussion focused on a specific topic or the general update process. Comments are collected through the meeting minutes and limited public comments opportunities.

Public Hearings: The opportunity for the community to provide testimony before Planning Commission and/or Board of Commissioners. Testimony is captured in the public record.

Online Participation: Provide the opportunity for the community to stay up-to-date on the process schedule on the County webpage, through social media, and the interested parties email listserv. Comments may be submitted by email.
**Notification Methods**
The following methods may be used to inform the public of the opportunity to participate:

1. Newspaper advertisements and legal advertisements.
2. Press Releases
3. E-mail notice to interested parties on existing lists - The County has a list of interested parties from previous long range planning projects. Anyone can be added to the list by sending a request to stincher@co.douglas.wa.us.
4. Postings on the County social media pages.
5. County Website posting on the “2017 Plan Update” page on the current projects tab of the County website at www.douglascountywa.net.

**Update schedule:**
The update process has three main phases. Additional project information and meeting schedules will be posted on the project webpage.

**Phase 1:**
Development of the participation plan, launch the 2017 Update webpage, and hold an initial open house. June 2015 – August 2015.

**Phase 2:**
Review and draft comprehensive plan and development regulation revisions, hold public meetings, and prepare the comprehensive plan and development regulations for adoption. September 2015 – February 2017.

**Phase 3:**
MEMORANDUM

TO: Douglas County Planning Commission
FROM: Douglas County Land Services
DATE: May 28, 2015

The Revised Code of Washington in section 36.70A.106 requires a county or city to notify the Department of Commerce at least 60 days prior to final adoption. The same section also authorizes a county or city to request expedited review for amendments. The expedited review may be granted if the request does not compromise the ability of state agencies from commenting in a timely manner.

On May 7, 2015, Douglas County Land Services sent a request to the Washington State Department of Commerce for expedited review of several amendments to the Douglas County Code and one amendment to the East Wenatchee Code that was previously adopted by the City of East Wenatchee. As of the date of this memorandum, Douglas County has not been granted expedited review. If the expedited review is not granted, the normal 60-day comment period concludes on July 6, 2015.

The amendments, attached as Exhibit A, include the following:

- Revisions to DCC Section 18.16.040 Lot Frontage. The proposed amendment extends the requirement for residential lots to meet minimum lot frontage requirements and extends it to all lots. Frontage is defined in DCC 14.98.346 as “…the property line that abuts the principal means of access to the property.”

- Revisions to the permitted uses sections of the RR2, RR5, RR20, RSC, AC5, AC10 and AD Zoning Districts by listing agricultural markets as permitted uses when adjacent to a state highway. The agricultural market will continue to be listed as a conditional use in each of these zoning districts when not proposed to be located adjacent to a state highway.

Agricultural markets are defined in DCC 14.98.032 as “…a building, structure, or land area used for the sale of fresh fruit or vegetables, grown either on- or off-site, and may include as incidental and accessory to the principle use, the sale of food items and nonfood items in a setting centered on an agricultural theme. An agricultural market is distinguished from a home fruit stand by a larger scale of activity and a greater range of products offered. This definition does not include the sale of livestock, gasoline or fuels.”
The purpose of the amendment is to provide additional flexibility to property owners seeking to site an agricultural market if they are adjacent to a state highway. These properties, by virtue of the location adjacent to a state highway already experience higher traffic volumes and exposure. The amendment would change the type of review from a quasi-judicial process in DCC 14.10.040 which requires the review and approval of the Hearing Examiner after a public hearing to a full administrative review consistent with DCC 14.10.030. Both of these sections are attached to the memorandum in exhibit B. The full administrative review is does not require a public hearing, the project is however, referred to other local and state agencies for comment.

Since the beginning of the comment period, one public comment has been submitted by the Washington State Department of Transportation. The comment is included as Exhibit C.

Also associated with these amendments are revisions to the Conditional Use permit section in DCC Section 18.80.300 for Agricultural markets. The revisions delete some confusing and ambiguous text as well as change the signage language to be consistent with DCC Chapter 20.44 signs.

- The final amendments are revisions previously adopted by the City of East Wenatchee and not referred to the county for adoption. The City of East Wenatchee adopted the amendments to Section 17.72.210 on July 13, 2010 by Ordinance No. 2010-09. For consistency purposes, these standards are used within the unincorporated portions of the East Wenatchee Urban Growth Boundary.

It is anticipated that these amendments will be presented to you in July at a public hearing to formulate a recommendation to the Board of Commissioners. If you have any questions, please contact Stephen Neuenschwander at 509-884-7173.
Douglas County Code

18.16.040 Lot frontage.
Residential All lots shall have not less than sixty feet of frontage on a public or private roadway, except when located within a cul-de-sac, a manufactured home park or a planned development. A minimum of thirty feet of contiguous frontage is required for lots located on a cul-de-sac (road right-of-way) in all use districts and lots located on the outside of a road curve with a radius of between fifty (50) and seventy-five (75) feet; however, the required front yard setback area shall be calculated as specified in DCC 18.16.080(A) and (E).

18.28.020 Permitted uses.
The following uses are permitted outright in the RR-2 district:

J. Agricultural market, in conformance with the standards of DCC Section 18.80.300 and on a parcel located adjacent to a state highway.

18.30.020 Permitted uses.
The following uses are permitted outright in the RR-5 district:

N. Agricultural market, in conformance with the standards of DCC Section 18.80.300 and on a parcel located adjacent to a state highway.

18.31.020 Permitted uses.
The following uses are permitted outright in the RR-20 district:

R. Agricultural market, in conformance with the standards of DCC Section 18.80.300 and on a parcel located adjacent to a state highway.

18.32.020 Permitted uses.
The following uses are permitted outright in the RSC district:

J. Agricultural market, in conformance with the standards of DCC Section 18.80.300 and on a parcel located adjacent to a state highway.

18.34.020 Permitted uses.
The following uses are permitted outright in the AC-5 district:

L. Agricultural market, in conformance with the standards of DCC Section 18.80.300 and on a parcel located adjacent to a state highway.
18.36.020 Permitted uses.
The following uses are permitted outright in the AC-10 district:

O. Agricultural market, in conformance with the standards of DCC Section 18.80.300 and on a parcel located adjacent to a state highway.

18.40.020 Permitted uses.
The following uses are permitted outright in the A-D district:

R. Agricultural market, in conformance with the standards of DCC Section 18.80.300 and on a parcel located adjacent to a state highway.

18.80.300 Agricultural market.
The following minimum conditions shall apply:

A. The agricultural market shall be centered on an agricultural theme and may include agritainment activities.
B. The county engineer and/or WSDOT, if appropriate, shall approve ingress and egress to the site. The approving authority will be responsible for assuring conformance with the standards established by that reviewing authority;
C. Off-street parking shall be required in accordance with DCC Chapter 20.42; and
D. A comprehensive signage plan in accordance with DCC Chapter 20.44 shall be submitted with the application and signage shall be as approved by the reviewing authority hearing examiner.

East Wenatchee Municipal Code
NOTE: The City of East Wenatchee adopted the following amendments to Section 17.72.210 on July 13, 2010 by Ordinance No. 2010-09. For consistency purposes, these standards are used within the unincorporated portions of the East Wenatchee Urban Growth Boundary.

17.72.210 Lot frontage.
Residential lots shall have not less than 60 feet of frontage on a public or private roadway, except when located within a cul-de-sac, a manufactured home park, a planned development or when the lot is accessed from a joint-use driveway or access easement meeting the requirements of Chapters 12.50 through 12.60 EWMC, comprehensive street standards, and any amendments. A minimum of 30 feet of contiguous frontage is required for lots located on a cul-de-sac (road right-of-way) in all use districts and lots located on the outside of a road curve with a radius between 50 and 75 feet. (Ord. 10-09 § 8, 2010; Ord. 07-05 § 7, 2007)
14.98.346 Frontage.
“Frontage” means the property line that abuts the principal means of access to the property.

14.98.032 Agricultural market.
“Agricultural market” means a building, structure, or land area used for the sale of fresh fruit or vegetables, grown either on- or off-site, and may include as incidental and accessory to the principal use, the sale of food items and nonfood items in a setting centered on an agricultural theme. An agricultural market is distinguished from a home fruit stand by a larger scale of activity and a greater range of products offered. This definition does not include the sale of livestock, gasoline or fuels.

14.10.030 Full administrative review of applications.

A. Full administrative review shall be used when the proposed development is subject to objective and subjective standards that require the exercise of limited discretion about nontechnical issues and about which there may be limited public interest. The proposed development may or may not be subject to SEPA review. Included within this type of review are home occupation permits, short subdivisions, administrative subdivisions, family farm support divisions, farmstead preservation divisions, and site plan review of gravel/resource extraction, short term inert waste storage/treatment piles, multifamily, commercial, industrial and/or office building permits.

B. This review procedure under full administrative review shall be as follows:
1. If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination shall be made after the closing of the public comment period required in the notice of application.
2. Upon the completion of the public comment period and the comment period required by SEPA, if applicable, the department may approve, approve with conditions, or deny the application. The department shall mail the notice of decision to the applicant and all parties of record. The decision shall include:
   a. A statement of the applicable criteria and standards in the development codes and other applicable law;
   b. A statement of the findings of the review authority, stating the application’s compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards;
   c. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with all applicable laws;
   d. A statement that the decision is final unless appealed as provided in DCC Chapter 14.12 to the Douglas County hearing examiner within fourteen calendar days after the date the notice of decision is mailed. The appeal closing date shall be listed. The statement shall describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal;
   e. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall list the place, days and times when the case file is available for inspection and
the name and telephone number of the department’s representative to contact
to arrange inspection.
3. The decision may be appealed to the hearing examiner pursuant to DCC
Chapter 14.12.

14.10.040 Quasi-judicial review of applications.
A. Quasi-judicial review shall be used when the development or use proposed under
the application requires a public hearing before a hearing body. This type of review shall
be used for code interpretation reviews, subdivisions, conditional use permits, planned
residential developments, variances, shoreline substantial development permits and
other similar applications.
B. The review procedure under quasi-judicial review shall be as follows:
1. A quasi-judicial review process requires an open record public hearing before
the appropriate hearing body.
2. The public hearing shall be held after the completion of the public comment
period and the comment period required by SEPA, if applicable.
3. At least ten days before the date of a public hearing, the department shall
issue public notice of the date, time, location and purpose of the hearing.
4. At least ten days before the date of the public hearing, the department shall
issue a written staff report, integrating the SEPA review and threshold
determination and recommendation regarding the application(s), shall make
available to the public a copy of the staff report for review and inspection, and shall
mail a copy of the staff report and recommendation to the applicant or the
applicant’s designated representative. The department shall make available a copy
of the staff report, subject to payment of a reasonable charge, to other parties who
request it.
5. Public hearings shall be conducted in accordance with the rules of procedure
adopted by the hearing body. A public hearing shall be recorded on either audio or
audio-visual tape. If for any reason the hearing cannot be completed on the date
set in the public notice, it may be continued during the public hearing to a specified
date, time and location, without further public notice required.
6. Within ten working days after the date the public record closes, the hearing
body shall issue a written decision regarding the application(s).
7. The hearing body may approve, approve with conditions or deny the
application and shall mail the notice of its decision to the department, applicant,
the applicant’s designated representative, the property owner(s), and any other
parties of record. The decision shall include:
   a. A statement of the applicable criteria, standards and law;
   b. A statement of the findings the hearing body made showing the proposal
does or does not comply with each applicable approval criterion and
assurance of compliance with applicable standards;
   c. A statement that the decision is final unless appealed pursuant to DCC
Chapter 14.12. The appeal closing date shall be listed;
   d. A statement that the complete case file, including findings, conclusions
and conditions of approval, if any, is available for inspection. The notice shall
list the place, days and times when the case file is available for inspection and
the name and telephone number of the department representative to contact
to arrange inspection.
8. Any aggrieved party or agency of record may request a reconsideration of a hearing examiner decision consistent with the procedure established in DCC Section 2.13.150.
YES, COMMENT:

With regard to Title 18 “listing agriculture markets as permitted outright uses when adjacent to a state highway, in the
18.28.020 J. RR2 district,
18.30.020 N. RR5 district,
18.31.020 R. RR20 district,
18.32.020 J. RSC district,
18.34.020 L. AC5 district,
18.36.020 O. AC10 district, and
18.40.020 R. A-D district”
Include: “EXCEPT when direct highway access is requested. Direct commercial access to a state highway designated as a
“Limited Access” facility is not permitted per WAC 468-58.”

Also RE:
18.80.300 Agricultural market,
Recommend including an additional condition that reads “Direct commercial access to a state highway designated as a
“Limited Access” facility is not permitted per WAC 468-58.”

An expedited review for you. Thanks.
If we do not hear from you by the date indicated, Commerce will assume that your agency will not be reviewing or commenting on the proposal and that Commerce may grant expedited review.

If you will be reviewing the item, please provide the name and contact information of the staff person who will be commenting.

As a state agency contact for GMA review submittals, this is your opportunity to determine if you intend to comment on these proposed amendments. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply.

Douglas County has requested expedited review of the following: Proposed amendments: (1) Title 18 Zoning Section 18.16.040 Lot Frontage; (2) Title 18 listing agricultural markets as permitted uses when adjacent to a state highway in the RR2, RR5, RR20, AC5, AC10 and AD Zoning Districts, (3) Title 18 Section 18.80.300 Agricultural Market, (4) East Wenatchee Municipal Code 17.72.210 Lot Frontage, as adopted by the City of East Wenatchee by Ordinance No. 2010-09. This proposal was submitted for the required state agency review under RCW 36.70A.106. See the electronic attachments to this message for a complete description of the proposal.

If you have any questions, please contact reviewteam@commerce.wa.gov

Thank you.

Review Team, Growth Management Services
Department of Commerce
P.O. Box 42525
Olympia WA 98504-2525
MEMORANDUM

TO: Douglas County Planning Commission
FROM: Douglas County Land Services
RE: Workshop on amendments to the Douglas County Code Section
     18.16.190 Livestock and poultry
DATE: May 29, 2015

The Douglas County Code regulates the raising and maintenance of livestock and poultry in two separate Titles – Title 6 Animals and Title 18 Zoning. Both animal control sections are included in Exhibit A. Title 6 is regulated and enforced by the County Sheriff and by the Humane Society (DCC 6.04.030 Enforcement). Title 18 is regulated and enforced by the Land Services Department (DCC 18.04.090).

The standards in these two titles overlap in many ways, specifically the health, safety, and wellbeing of the animals. While the standards to not necessary conflict with each other, the Land Services Code Enforcement Officer is often called to investigate matters of health and safety. These issues are outside the training and expertise of Land Services staff and are better handled by the Humane Society staff that does have the training and expertise to adequately evaluate the health and safety of animals. Land Services staff is trained to review and enforce building and zoning violations such as building construction and setbacks.

Each year, the Land Services receives numerous calls and complaints regarding the keeping and raising of livestock and poultry outside of urban growth boundaries. The most common enforcement complaints include:

1. A horse (or allegedly too many horses) is/are kept in a corral or pen that is too small and has inadequate forage. The property lies in a rural or agricultural zoning district (livestock is allowed).
2. A property is too small to have livestock or there is no fenced area other than a corral.
4. Livestock appears neglected, skinny, dirty, etc. and the property is unkempt.

In each of these scenarios, the complaints are referred to the Humane Society to investigate and ensure the health and safety of the animals. These calls generate redundant efforts by Land Services and the Humane Society and lead to frustration by property owners who may feel that their complaints are not taken seriously when referred to the Humane Society.
With the overlapping roles and regulations of the Humane Society and Land Services and in an effort to reduce redundant efforts and property owner frustration, revisions are proposed to Section 18.16.190 Livestock and Poultry.

What is proposed to change?

- Removal of all health and safety standards from Title 18 Zoning and to rely on the existing standards in Title 6 Animals.
- Removal of the minimum lot size in rural districts to qualify for the keeping and raising of livestock and poultry.
- Minimum pasture areas for livestock and poultry.
- Maximum numbers of livestock and poultry on a property in a rural or agricultural zoning district.
- Standards for exotic or unique animals.
- The requirement that future land divisions meet the minimum pasture area.

What is staying the same?

- The proposed revisions maintain the rights of rural and agriculturally zoned properties to keep and raise livestock and poultry.
- The setback standards for barns, shelter, or other structures used to keep or feed livestock or poultry.
- Locational standards for feed lots, commercial slaughter houses and rendering plants.

Please take the time to read through the attached exhibits and come prepared to discuss the matter at the next meeting. If you have any questions, please contact Stephen Neuenschwander at 509-884-7173.
Exhibit A

6.04.010 Authority.

This chapter is adopted pursuant to the general powers of the board of county commissioners to protect and promote health, safety and welfare within Douglas County. (Ord. CE 13-01-33B Exh. A (part); Ord. CE 09-02-71B § 1 Exh. A (part); Ord. 97-02-005 § 1)

6.04.020 Definitions.

As used in this chapter, except where a different meaning is plainly apparent from the context, the following definitions apply:

A. “Administrative fees” means the fees and charges levied by the animal control authority for apprehension and/or detention of an animal.

B. “Alter” means to permanently render an animal incapable of reproduction.

C. “Animal” means all vertebrates except Homo sapiens.

D. “Animal control authority” means the county agency or an independent contracting agency appointed by the board of county commissioners as having authority to enforce this chapter.

E. “Animal control facility” means a facility used for lodging and disposing of animals detained pursuant to this chapter.

F. “Animal control officer” means an employee of the animal control authority appointed and commissioned to enforce the provisions of this chapter and includes commissioned law enforcement officers.

G. “County” means Douglas County.

H. “Dangerous dog” means any dog that: (1) inflicts severe injury to a human being without provocation on public or private property; (2) kills a domestic animal without provocation while off the owner’s property; or (3) aggressively bites, attacks or threatens the life or safety of humans or domestic animals after having been previously found to be a potentially dangerous dog.

I. “Department” means the Chelan-Douglas health district.

J. “Detain” or “detention” means to apprehend and/or keep an animal in the custody of the animal control authority.

K. “Dog kennel” means a noncommercial kennel at or adjoining a private residence for four or more dogs over four months of age which are kept by the owner for hunting, training, exhibition, field work, working and/or obedience trials or for enjoyment of the species or breed.

L. “Domestic animal” means any animal which has been domesticated by man so as to live and breed in a tame condition.

M. “Electronic identification” means an encrypted microchip electronic implant approved by the animal control authority and which may be electronically scanned.

N. “Guard dog” or “attack dog” means any dog, other than a police dog as defined in RCW 4.24.410, which has been trained and is used for the purpose of protecting persons or property by exhibiting hostile and aggressive behavior or which will attack on signal or command.
O. “Harbor” means to own, possess, control or shelter an animal for more than twenty-four hours.

P. “Holding period” means seventy-two hours, commencing at one a.m. following the date of detention of an animal, excluding any day the animal control facility is not open to the public.

Q. “Owner” means any person, firm, organization or department having title to or property rights in an animal, or who harbors, possesses, controls or keeps an animal, or who knowingly permits an animal to remain on or about his or her property.

R. “Potentially dangerous dog” means any dog that: (1) inflicts bites on a human or a domestic animal either on public or private property without provocation; or (2) chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack without provocation; or (3) has a known propensity, tendency or disposition to attack without provocation, or to cause injury or otherwise threaten the life or safety of humans or domestic animals.

S. “Potentially dangerous wild animal” shall have the same meaning as in Chapter 16.30 RCW.

T. “Provocation” means deliberate conduct intended to annoy, tease or incite an angry, frightened or protective reaction from an animal and occurring immediately prior to the reaction.

U. “Severe injury” means physical injury that involves broken bones, disfigurement or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

V. “Secure enclosure” means confinement indoors or in a securely enclosed and locked pen or structure, including a dwelling or building, which prevents the entry of children and prevents the confined animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements.

W. “Trespass” means entry upon the property of a person not the owner of the animal without such person’s permission. (Ord. CE 13-01-33B Exh. A (part): Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 3)

6.04.030 Enforcement.

The sheriff and appointed animal control authority shall have the authority to enforce the provisions of this chapter. (Ord. CE 13-01-33B Exh. A (part): Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 97-02-005 § 4)

Article I. Animal Care

6.04.100 Cruelty to animals prohibited.

It is unlawful for any person to:

A. Under circumstances not amounting to animal cruelty in the first degree pursuant to RCW 16.52.205(1), injure, kill or physically mistreat any animal, except as is specifically permitted by law;

B. Lay out, expose or leave exposed any kind of poison or poisoned food or drink where accessible to an animal, or place such poisonous materials in a stream or other body of water endangering fish or shellfish; provided, that the reasonable use of rodent poison, insecticides, fungicides or slug bait for their intended purposes is not prohibited; provided further, that nothing in this subsection shall prohibit any government agency acting in the course of its governmental duties from performing any act allowed by law;

C. Set or bait any trap without a valid permit issued by the animal control authority or the state; provided, that no
permit is required to trap rats or mice;

D. Confine any animal in any box, container or vehicle without providing adequate ventilation;

E. Tease, tantalize or provoke any animal with the intent to cause fear, anger or injury to the animal;

F. Tether or confine any animal in such a manner or in such a place as to cause injury or pain to an animal, or to endanger an animal, or that is injurious to the animal due to inadequate protection from heat or cold, or that is of insufficient size to permit the animal to move about freely;

G. Keep an animal in unsanitary conditions or fail to provide sufficient food, water, shelter or ventilation necessary for the good health of that animal;

H. Fail to provide an animal with the medical care necessary for its health or to alleviate its pain;

I. Permit any animal to fight or injure another animal, or permit any animal to be fought with or injured by any other animal, or to train or keep for the purposes of training any animal for the exhibition of such animal in combat with any other animal whether for amusement or for financial gain, or permit any such conduct on premises under his or her control or to be present as a spectator at such exhibitions.

Violation of any of the above subsections shall be punishable as a gross misdemeanor. (Ord. CE 13-01-33B Exh. A (part): Ord. CE 09-02-71B § 1 Exh. A (part): Ord. 98-01-065A § 1: Ord. 97-02-005 § 5)

6.04.110 Sanitation and disease control.

It is unlawful for an owner to:

A. Allow the accumulation of cat or dog feces in any open area, run, cage or yard, where confined, and fail to remove or dispose of feces at least once every twenty-four hours;

B. Fail to maintain property utilized for domestic livestock or poultry in a clean, sanitary condition so as to be free of offensive odors, fly breeding, dust and general nuisances;

C. Fail to immediately remove from public property feces deposited by his or her animal;

D. Fail to have in his or her possession the equipment necessary to remove his or her animal's feces from public property or a public easement when accompanied by his or her animal;

E. Measures shall be taken to adequately dispose of domestic livestock or poultry wastes. Accumulations of animal waste shall be prohibited from being stored closer than one hundred feet from any off-premises dwelling and/or any domestic or irrigation wells. Waste from swine shall be prohibited within two hundred feet of any domestic or irrigation well;

F. Have possession or control of any animal sick or afflicted with any infectious or contagious diseases and fail to provide treatment of such infection or disease, or allow or permit such diseased or infected animal to run at large or come in contact with other animals or human beings or drink at any public or common watering trough or stream accessible to other animals.

Violation of any of the above subsections shall constitute an infraction subject to a civil penalty. (Ord. CE 13-01-33B Exh. A (part): Ord. CE 09-02-71B § 1 Exh. A (part): Ord. TLS 01-04-07B Exh. B (part): Ord. 97-02-005 § 6)
18.16.190 Livestock and poultry.

Livestock and poultry are permitted within rural and agricultural zoning classifications, provided the property ownership is at least one contiguous acre in size or greater and the following criteria are met:

A. In all rural zoning classifications the following provisions shall apply:
   
   1. The minimum pasture area maintained for each animal shall be as listed below:
      
      a. One-half acre per each horse, pony, mule, cow and/or other similar size animal; and
      
      b. One-quarter acre per each sheep, goat or other similar size animal; and

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

      c. Twelve poultry per acre. Poultry may include any combination of chickens, ducks, geese, rabbits and similar type animals; and

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

      d. One acre per each swine. 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. 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 health district regulations.

C. Adequate measures shall be taken to properly dispose of animal wastes. Accumulations of animal waste shall be prohibited from being stored closer than one hundred feet from any off-premises dwelling and/or any domestic or irrigation wells. Waste from swine shall be prohibited within two hundred feet of any domestic or irrigation well.

D. Barns, shelters or other buildings or structures for the keeping or feeding of cattle, horses, goats, sheep, poultry, swine or other similar shelters for animals or birds shall be located a minimum of one hundred feet from any off-premises residential dwelling.

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.

F. 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. 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, and subject to the applicable regulations.

H. Where permitted by the zoning district, the following uses shall not be permitted within the indicated distance of any primary arterial road, highway, school, public park, or rural service center:
1. Within one-half mile: Commercial slaughter houses, rendering plants, manure composting, feed lots for cattle, swine, chickens or other livestock and poultry, and

2. Within three hundred feet: Barns, shelters or other structures used for commercial purposes for the keeping or feeding of swine. (Ord. TLS 08-03-05 Exh. B (part): Ord. TLS 03-01-01B Exh. B (part): Ord. TLS 97-10-71B Exh. F (part))
Livestock and poultry are permitted within rural and agricultural zoning classifications, provided the property ownership is at least one contiguous acre in size or greater and the following criteria are met:

A. In all rural zoning classifications the following provisions shall apply:
   1. The minimum pasture area maintained for each animal shall be as listed below:
      a. One-half acre per each horse, pony, mule, cow and/or other similar size animal; and
      b. One-quarter acre per each sheep, goat or other similar size animal; and
   Note: Animals enumerated in subsections (A)(1)(a) and (b) of this section under one year of age shall be exempt from the above requirements; and
   c. Twelve poultry per acre. Poultry may include any combination of chickens, ducks, geese, rabbits and similar type animals; and
   Note: Poultry under three months of age are exempt from the above requirements; and
   d. One acre per each swine. 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. 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 health district regulations.
C. Adequate measures shall be taken to properly dispose of animal wastes.
Accumulations of animal waste shall be prohibited from being stored closer than one hundred feet from any off-premises dwelling and/or any domestic or irrigation wells. Waste from swine shall be prohibited within two hundred feet of any domestic or irrigation well.
DA. Barns, shelters or other buildings or structures for the keeping or feeding of cattle, horses, goats, sheep, poultry, swine or other similar shelters for animals or
bird\textit{\textbf{livestock or poultry}} shall be located a minimum of one hundred feet from any off-premises residential dwelling.

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.

F. 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. 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, and subject to the applicable regulations.

HB. Where permitted by the zoning district, the following uses shall not be permitted within the indicated distance of any primary arterial road, highway, school, public park, or rural service center:

1. Within one-half mile: Commercial slaughter houses, rendering plants, manure composting, feed lots for cattle, swine, chickens or other livestock and poultry, and
2. Within three hundred feet: Barns, shelters or other structures used for commercial purposes for the keeping or feeding of swine.