

## ORDINANCE NO. 2013-03

An ordinance of the city of East Wenatchee, Washington, amending the East Wenatchee Municipal Code to expand the ability of residents to have farm animals and provide standards applicable to keeping them in a residential area by adding new definitions in chapter 17.08, amending sections 17.24.030, 17.28.020, 17.28.030, 17.32.020, 17.32.030 and 17.72.200, containing a severability clause, and establishing an effective date.

---

THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE DO ORDAIN AS FOLLOWS:

Section 1: Purpose.

- (1) The City of East Wenatchee ("City") is a non-charter code city duly incorporated and operating under the laws of the State of Washington.
- (2) The City and Douglas County approved an Interlocal Agreement regarding Annexation Delivery of Services and Revenue Sharing which Douglas County adopted June 11, 2001 and the City adopted on June 26, 2001. The Agreement was filed of record with the Douglas County Auditor on July 17, 2001 (AFN 3040321). Section 5.4 of the Agreement provides that the City and County will work jointly to adopt consistent development regulations for application within the urban growth area.
- (3) The purpose of this ordinance is to provide more flexibility for residents to keep livestock and poultry for personal use in residential areas and includes standards to ensure that the property is maintained in a manner that respects the residential neighborhood and the good health of the animals.

Section 2: Authority.

- (1) RCW 35A.11.020 and RCW 35A.12.190 authorize the City Council to adopt ordinances of all kinds to regulate its municipal affairs as appropriate to the good government of the City.

Section 3: Amendment 1. The City Council adds the following new sections to EWMC 17.24.080:

**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

**17.080.507 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 bittatus*) 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.

Section 4: Amendment 2. The City Council amends EWMC 17.24.030 to read as follows:

**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:

A. Attached or detached accessory buildings and structures clearly incidental to the residential use of the lot, such as the storage of personal property, including private garages;

B. Family day care home as defined in EWMC 17.08.155(B);

C. Not more than a total of eight cars, trucks, or recreational vehicles per dwelling may be parked outside of a building on any lot. Said vehicles shall be parked to the rear of the front yard setback line, except when parked in the driveway. For purposes of this section, "recreational vehicles" shall mean any travel trailers, truck campers, tent trailers, motor homes, snowmobiles, boats or jet skis, utility trailers for hauling materials or recreational vehicles, and similar equipment;

D. Fences as provided for in EWMC 17.72.160;

E. Covered Patios.

1. A freestanding covered patio must meet the standards of this title. If the cover over the patio is attached to a dwelling or within six feet of the dwelling it is to be considered as part of that dwelling for the purposes of determining the setback for the dwelling;

2. Height limit: 10 feet for a detached structure with a flat roof; provided, however, that a fireplace flue may extend beyond the maximum height limit to a height of not over 13 feet; in all other cases the roof height shall not exceed the provisions of EWMC 17.24.050(D);

3. Area limit: Must not exceed the provisions of EWMC 17.24.050(E);

F. Swimming Pools.

1. All pools must be located behind the front yard setback line and maintain at least a five-foot setback from all side and rear property lines;

2. All pools and the yard or area around them must be enclosed by a fence/barrier of not less than 48 inches in height meeting the requirements established in the Uniform Building Code for Barriers for Swimming Pools, Spas and Hot Tubs, as the same now exists or may be amended as adopted in Chapter 15.04 EWMC and the following general provisions:

a. Such fence/barrier shall be constructed and maintained as to prevent, within reason, any person from gaining access beneath, over, or through said fence/barrier;

b. Gates or doors to the pool area shall be of the same height as the fence/barrier and substantial in construction;

c. All gates or doors shall be equipped with self-closing mechanisms and devices for locking, and shall be kept

locked at all times the pool is unguarded, unattended or not in use;

G. Large satellite dish, amateur radio tower, or attached wireless communication facility subject to the provisions of Chapter 17.70 EWMC, as the same now exists or may hereafter be amended;

H. Accessory dwelling units pursuant to the provisions of EWMC 17.72.190, as the same exists now or may hereafter be amended;

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;

J. Home occupations with no outside employees, as specified in Chapter 17.66 EWMC. (Ord. 07-05 § 4, 2007; Ord. 05-07 § 3, 2005; Ord. 02-22 § 12, 2002; Ord. 01-03 § 1, 2001; Ord. 2000-02 § 4, 2000; Ord. 91-5 § 2, 1991)

Section 5: Amendment 3. The City Council amends EWMC 17.32.020 to read as follows:

**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~~;

B. Apartments, assisted living facilities, and other multifamily dwelling units up to 24 dwelling units per acre;

C. Boardinghouses, lodging houses and housekeeping rooms;

D. General or professional offices; provided, all of the following criteria are satisfied:

1. The term “general or professional offices” for this section includes a building or separately defined space (which may include more than one building) occupied by doctors, dentists, accountants, bookkeepers, insurance agents, realtors, attorneys, optometrists, architects, professional engineers and surveyors, or any group or combination with a professional or service-oriented business. The use of an office does not include retail sales or manufacture of goods unless incidental and subordinate to the primary use of the property for the professional or service business, provided such operation or use does not exceed 30 percent of the floor area of the primary structure, or 3,000 square feet in area, whichever is less;

2. The lot has frontage on a primary or secondary arterial as shown on the comprehensive plan and uses such frontage as its primary access;

3. Off-street parking is provided in compliance with the provisions of EWMC 17.72.010, as the same exists now or may hereafter be amended;

4. Screening shall be provided on any property line abutting a residential land use consisting of a continuous fence supplemented with landscape planting or a continuous wall, evergreen hedge or combination thereof which effectively screens the area which it encloses. All required screening shall be constructed to the maximum heights allowable for fences;

5. Business hours are limited to between 7:00 a.m. and 10:00 p.m. daily;

E. Mobile/manufactured home parks meeting the standards of EWMC 17.64.130, including all future amendments. (Ord. 12-20 § 6, 2012; Ord. 07-05 § 4, 2007; Ord. 01-03 § 1, 2001; Ord. 91-5 § 2, 1991)

Section 6: Amendment 4. The City Council amends EWMC 17.32.030 to read as follows:

**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)

Section 7: Amendment 5. The City Council amends EWMC 17.72.200 to read as follows:

**17.72.200 Farm animals, Livestocklivestock, 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 potbelly 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;
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. Potbelly pigs, miniature. Only miniature potbelly pigs are permitted. No more than one miniature potbelly pig is allowed per business establishment or dwelling unit. No potbelly 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 potbelly pigs allowed under EWMC 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.

B.4. Commercial keeping or feeding of cattle, swine, other livestock, or poultry shall not be permitted is prohibited.

C.5. Commercial slaughter houses, rendering plants, manure composting, and feed lots for cattle, swine, chickens, other livestock or poultry shall not be permitted is prohibited.

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. 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.~~

D. The property ~~shall~~must 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.

E. Adequate measures ~~shall~~must 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.~~

F. Barns, shelters, coops, hutches, 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.

~~G. 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.

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.

I. Exotic or unique animals ~~shall be~~are 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.
  - a.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.

~~J. 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.~~

Section 8: Findings of Fact and Conclusions of Law. The City Council adopts the findings of fact and conclusions as set forth below:

**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. One person testified in support of allowing chickens.

**B. 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 that 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.

Section 9: Severability. If a court of competent jurisdiction declares any provision in this Ordinance to be contrary to law, such declaration shall not affect the validity of the other provisions of this Ordinance.

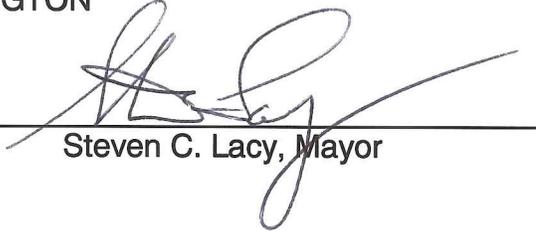
Section 10: Publication. The City Council directs the City Clerk to publish a summary of this Ordinance. The summary shall consist of the title of this Ordinance.

Section 11: Effective Date. This Ordinance becomes effective five days after the date its summary is published.

Passed by the City Council of East Wenatchee, at a regular meeting thereof on 28<sup>th</sup> day of May, 2013.

CITY OF EAST WENATCHEE,  
WASHINGTON

By \_\_\_\_\_

  
Steven C. Lacy, Mayor

ATTEST:

  
\_\_\_\_\_  
Dana Barnard, City Clerk

Approved as to form only:

  
\_\_\_\_\_  
Devin Poulson, City Attorney

FILED WITH THE CITY CLERK: 5/8/2013  
PASSED BY THE CITY COUNCIL: 5/28/2013  
PUBLISHED: 5/31/2013  
EFFECTIVE DATE: 6/5/2013  
ORDINANCE NO.: 2013-03

SUMMARY OF ORDINANCE NO. 2013-03  
Of the City of East Wenatchee, Washington

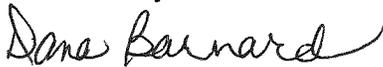
---

On the 28<sup>th</sup> day of May, 2013, the City Council of the City of East Wenatchee, Washington, passed Ordinance No. 2013-03. A summary of the content of said Ordinance, consisting of the title, provides as follows:

An ordinance of the city of East Wenatchee, Washington, amending the East Wenatchee Municipal Code to expand the ability of residents to have farm animals and provide standards applicable to keeping them in a residential area by adding new definitions in chapter 17.08, amending sections 17.24.030, 17.28.020, 17.28.030, 17.32.020, 17.32.030 and 17.72.200, containing a severability clause, and establishing an effective date.

The full text of this Ordinance will be mailed upon request.

Dated: May 28, 2013



CITY CLERK, DANA BARNARD