



ORDINANCE No. 2009-10-04

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An ordinance relating to land use regulation, amending Clark County Code Chapter 40.260 by adding a new section addressing urban livestock.

WHEREAS, Clark County has an adopted comprehensive growth management plan to guide projected growth in the next 20 years; and

WHEREAS, Clark County has always had and encourages agricultural activities as part of its economy and landscape; and

WHEREAS, agricultural uses, including animal and poultry husbandry are allowed in almost all urban growth area zones in the county; and

WHEREAS, urban growth areas are characterized by smaller lot sizes; and

WHEREAS, the potential for conflicts on adjacent parcels exist because of the smaller lot sizes and urbanization; and

WHEREAS, the county commenced a process in 2009 to consider how to best address such potential conflicts involving livestock; and

WHEREAS, the Clark County Planning Commission held a duly-advertised public hearing on June 18, 2009, and recommended that the Board of County Commissioners approve new code language addressing urban livestock; and

WHEREAS, the Board of Clark County Commissioners held a duly-advertised public hearing on July 21 and October 6, 2009, and finds that adoption of this ordinance will further the public health, safety and welfare; now, therefore,

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:

Section 1. Amendatory . A new Section 40.260.235 of the Clark County Code is created as shown in Exhibit 1.



1 **Section 2. Amendatory.** Section 40.100.070 is amended to add a new definition,
2 as shown in Exhibit 1.

3 **Section 3. Instructions to the Clerk.** The Clerk of the board shall:

- 4 (1) Transmit a copy of this ordinance to the state within ten days of its
5 adoption pursuant to RCW 36.70A.106;
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7 (2) Record a copy of this ordinance with the Clark County Auditor; and
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9 (3) Cause notice of adoption of this ordinance to be published forthwith
10 pursuant to RCW 36.70A.290.
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12 **Section 4. Effective Date.** This ordinance shall go into effect at midnight on
13 November 1, 2009.

14
15 ADOPTED this 13 day of October, 2009
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18 Attest:

19
20 *Suzie Richards*
21 Clerk to the Board
22

BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON

23 By *Marc Boldt*
24 Marc Boldt, Chair

25 Approved as to Form Only
26 ARTHUR D. CURTIS
27 Prosecuting Attorney

28 By _____
29 Steve Stuart, Commissioner

30 By *Christine M. Cook*
31 Christine Cook
32 Deputy Prosecuting Attorney

33 By _____
34 Tom Mielke, Commissioner
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Exhibit 1

40.100.070 DEFINITIONS

<u>Equestrian Facility</u>	<u>“Equestrian facility” means a structure or structures for the stabling, feeding, and/or pasturing of horses, including related facilities, such as training arenas, corrals and exercise tracks, and any activities associated with the use of such structures.</u>
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40.260.235 URBAN LIVESTOCK

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A. Purpose.

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The purpose of this section is to allow for the protection and preservation of livestock within urban growth areas of the county through the use of best management practices while protecting the uses on neighboring parcels.

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B. Applicability.

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1. This section shall apply to all parcels in the county within urban growth boundaries but outside city limits.

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2. Agricultural uses involving livestock on parcels brought into an urban growth boundary are exempt from the provisions of this section.

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3. New agricultural uses involving livestock on a parcel in an urban growth area with an approved development application shall meet the standards in Section 40.260.235(D).

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C. Definitions

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For purposes of this section, the following definitions shall apply:

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<u>Livestock</u>	<u>“Livestock” means any horse, mule, burro, dairy or beef animal, camelid, goat, sheep, swine, rabbit and poultry.</u>
<u>Livestock, large</u>	<u>“Large livestock” means any livestock weighing more than 500 pounds.</u>
<u>Livestock, small</u>	<u>“Small livestock” means:</u> <ul style="list-style-type: none"> • <u>hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder which are kept as household pets; or</u> • <u>any livestock weighing less than 500 pounds.</u>

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D. Development standards.

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1. The development standards of the underlying zone shall apply, except that the setbacks for new structures used for large livestock shall be twenty (20) feet from all property lines.

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1 2. Livestock Plans.

2 a. Pursuant to Section 40.260.235(B)(3), a livestock plan that addresses
3 the following shall be developed and implemented:

4 (1) housing and confinement;

5 (2) animal husbandry;

6 (3) manure management; and

7 (4) odor and noise management.

8 b. Urban livestock owners may create their own plans or seek assistance
9 from livestock management organizations such as Clark Conservation
10 District to create a plan.

11 c. Information on best management practices, including but not limited to
12 the following, will be used as the basis for livestock plans:

13 (1) *Healthy Horses, Clean Water*, Clark Conservation District, 2006;

14 (2) *Tips on Land and Water Management for Small Acreages in*
15 *Southwest Washington*, Clark Conservation District, 2001; and

16 (3) From the WSU Extension Service Small Acreage Program:

17 i. Keeping Clean Water Clean and Reducing Mud: Managing Roof
18 Runoff;

19 ii. Reduce Mud and Keep Water Clean: Sacrifice Areas;

20 iii. Self Assessment Guide for Small Acreages;

21 iv. How Green is Your Grass: Five Steps to Better Pasture and
22 Grazing Management; and

23 v. Composting Manure on Your Property.

24 d. Plans shall be approved by the responsible official through a Type I
25 process.

26 e. Plans are not required for small livestock that are either caged or that
27 spend all hours indoors.

28 3. Buildings used for urban livestock shall comply with the applicable
29 requirements of CCC Title 14.

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31 E. Education and Technical Assistance.

32 All urban livestock owners are encouraged to use guidance documents and
33 work with the Clark Conservation District, WSU Extension, or USDA Natural
34 Resources Conservation Service for implementing best management
35 practices related to livestock and livestock waste management.

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37 F. Enforceability.

38 1. Substantiated complaints from three separate households regarding
39 livestock will require the development and approval of a livestock plan
40 pursuant to Section 40.260.235(D).

41 2. Failure to provide and comply with a livestock plan constitutes a nuisance
42 violation and shall be enforced in accordance with the civil provisions of
43 Title 32.