

ORDINANCE NO. 05-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON AMENDING THE CITY OF COVINGTON ANIMAL CONTROL REGULATIONS IN CMC TITLES 6 AND 18 RELATING TO THE KEEPING OF DOMESTIC ANIMALS, FOWL, LIVESTOCK, BEES AND POTBELLY PIGS.

WHEREAS, Chapter 35A.63 of the Revised Code of Washington (RCW) empowers the City of Covington to enact land use and zoning regulations including animal control regulations; and

WHEREAS, city staff transmitted the proposed amendments to the Covington animal control regulations to the Washington State Department of Commerce on April 30, 2015, as required under RCW 36.70A.106, and has received no comments from state agencies; and

WHEREAS, the city's SEPA Official conducted a SEPA review and issued a Determination of Non-Significance on June 5, 2015; and

WHEREAS, amendments to Covington's Animal Control Regulations were discussed by Planning Commission at their May 7, 2015 and May 21, 2015 meeting; and

WHEREAS, on June 4, 2015 the Planning Commission held a duly noticed public hearing and considered the amendments to the Animal Control Regulations and forwarded a recommendation to approve to the City Council; and

WHEREAS, the proposed amendments are consistent with the goals, objectives, and policies of the comprehensive plan; and

WHEREAS, the City Council, upon review of the facts, findings and recommendations of the Planning Commission and after reviewing information provided by city staff, find that all applicable and substantive requirements of the law have been met, that the adoption of this ordinance promotes the public health, safety and general welfare of the community, and that the adoption of this ordinance serves the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The proposed amendments to the Covington Animal Control Regulations in CMC Titles 6 and 18 are hereby amended as set forth in the attached Exhibit A, incorporated herein.

Section 2. This ordinance shall be in full force and effect five days after publication in the city's newspaper of record. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

Section 3. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

Passed by the City Council on the 14th day of July, 2015.



Mayor Margaret Harto

PUBLISHED: July 17, 2015
EFFECTIVE: July 22, 2015

ATTESTED:



Sharon Scott, City Clerk

APPROVED AS TO FORM:



Sara Springer, City Attorney

**PROPOSED AMENDMENTS TO COVINGTON MUNICIPAL CODE (CMC)
ANIMAL Control REGULATIONS
CMC Chapters 6.05, 18.20, 18.25.050, 18.31.080, and 18.80**

Chapter 6.05 ANIMAL CONTROL

****CMC 6.05 to be repealed in its entirety and replaced with the following.****

6.05.010 King County Code adopted—Exceptions—Conflicts.

(1) The following chapters of the King County Code (KCC) are adopted by reference as if fully set forth herein, as the same have been amended by King County Ordinance No. 16861, and as they may be amended hereafter, except as otherwise provided for in this Chapter.

- (a) Chapter 11.04, Animal Control Regulations;
- (b) Chapter 11.08, Dog Leash Law;
- (c) Chapter 11.12, Rabies Control;
- (d) Chapter 11.20, Disposition of Fowl and Rabbits;
- (e) Chapter 11.24, Stock Restricted Area;
- (f) Chapter 11.28, Exotic Animals; and
- (g) Chapter 11.32, Guard Dogs.

(2) The following exceptions shall be applied to the King County Code chapters adopted by reference in this chapter:

- (a) "Animal control authority" means the city or the animal control authority of King County, as agent for the city, acting alone or in concert with other municipalities for enforcement of the animal control laws of the city, King County, and the state and the shelter and welfare of animals.
- (b) Unless the context indicates otherwise, "King County" means the city.
- (c) "County department of planning" means the Covington community development department.
- (d) "King County board of appeals" means the Covington City Council; provided, however, that at such time as the city may enter into a contract with King County for the enforcement of the animal control ordinance, the contract may provide for the use of the King County board of appeals in which case the King County board of appeals means the King County board of appeals.
- (e) KCC 11.04.010(B) shall provide that if there is a conflict between a provision of the KCC and a provision of the Covington Municipal Code, the provision of the Covington Municipal Code shall control.

(f) All references in Chapter 11.04 of the KCC to Title 21A of the KCC, which provide for the number of animals that may be kept as part of certain land uses, shall be replaced with a reference to Title 18 of the CMC.

(g) KCC 11.04.050(A) shall provide that the applicant for an original animal shelter, cattery, pet shop, grooming service, or kennel license shall present to the regional animal services section a written statement from the city community development department that the establishment of the animal shelter, cattery, pet shop, grooming service, or kennel at the proposed site is not in violation of the city zoning code under Title 18 CMC, or has a legal nonconforming zoning status, or a conditional use permit has been issued for the intended use.

(h) KCC 11.04.050(B) shall provide that shelters, catteries, pet shops, grooming services, and kennels shall comply with the licensing requirements of the Seattle-King County Department of Public Health. Subject to applicable restrictions in the city's zoning code in Title 18 CMC, the facilities may board animals as authorized by their Seattle-King County Department of Public Health license.

(3) No portion of this chapter shall be deemed to be exclusive or exhaustive in reference to animal control and shall not relieve any person from the duty to observe other and more restrictive local, state, or federal provisions.

(4) The city shall maintain at all times available for review by the general public one copy of King County Code chapters adopted by reference in this chapter.

6.05.020 Enforcement.

(1) The city manager or designee and the regional animal services section of King County are authorized to enforce this chapter and the laws of the state of Washington that pertain to animal cruelty, shelter, welfare, and enforcement of control, consistent with the enforcement provisions set forth in Title 11 of the King County Code and Chapter 1.30 of the Covington Municipal Code.

(2) Notwithstanding the existence or use of any other remedy, the city manager or designee may seek legal or equitable relief to enjoin acts or practices and abate any conditions that constitute a violation of this chapter or other regulations adopted under this chapter.

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Chapter 18.20 TECHNICAL TERMS AND LAND USE DEFINITIONS

18.20.005 Scope of chapter.

This chapter contains definitions of technical and procedural terms used throughout the code and definitions of land uses listed in tables in Chapter 18.25 CMC. The definitions in this chapter supplement the Standard Industrial Classification Manual (SIC). See Chapter 18.10 CMC for rules on interpretation of the code, including use of these definitions. Development standards are found in Chapters 18.30 through 18.100 CMC.

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18.20.065 Animal, domestic small.

~~“Animal, domestic small” means any animal other than livestock that lives and breeds in a tame condition including, but not limited to: dogs, cats, small birds, hares, rabbits, hamsters, guinea pigs, nonvenomous reptiles and amphibians, and other animals normally associated with a dwelling unit which are kept as household pets. or animals considered to be predatory or wild which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild, excluding those in zoo animal breeding facilities, shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition.~~

18.20.066 Animal unit. “Animal unit” means one equine or bovine, two (2) ponies, or five (5) small livestock.

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18.20.095 Beehive. ~~“Beehive” means a structure designed to contain one colony of honey bees (Apis mellifera).~~

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18.20.531 Fowl. “Fowl” means domesticated Anseriformes (such as ducks, geese, swans, and similar) and Galliformes (such as chickens, turkeys, pheasants, and similar) which are legally held in captivity.

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18.20.599.5 Hive. "Hive" means a manufactured receptacle or container prepared for the use of bees that includes movable frames, combs, and substances deposited into the hive by bees.

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18.20.695 Livestock. "Livestock" means any domestic equine, sheep, goats, bovine, llamas, alpacas, emus, ostriches, and swine, or similar animals, grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to:

(1) Cattle;

(2) Riding and draft horses;

(3) Hogs, excluding pigs weighing less than 120 pounds and standing 20 inches or less at the shoulder which are kept as pets or small animals;

(4) Sheep; and

(5) Goats.

18.20.697 Livestock facility. "Livestock facility" means an accessory building used to house livestock.

18.20.700 Livestock, large. "Livestock, large" means livestock with a weight of 200 pounds or more, cattle, horses, and other livestock generally weighing over 500 pounds.

18.20.710 Livestock, small. "Livestock, small" means livestock weighing less than 200 pounds, hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder which are kept as household pets or small animals, sheep, goats, miniature horses, llamas, alpaca and other livestock generally weighing under 500 pounds.

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18.20.1072 Shelter, animal. "Shelter, animal" means a facility that is used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization or person devoted to the welfare, protection, and humane treatment of animals.

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Chapter 18.80
DEVELOPMENT STANDARDS - DOMESTIC ANIMALS, LIVESTOCK, FOWL AND BEES,
HOME OCCUPATION, HOME INDUSTRY

Sections:

- 18.80.010 Purpose.
- 18.80.015 General requirements.
- 18.80.017 Other requirements, nuisances, and enforcement.
- 18.80.020 ~~Repealed. Animal regulations—Small animals.~~
- 18.80.030 ~~Repealed. Animal regulations—Livestock—Purpose.~~
- 18.80.040 ~~Repealed. Animal regulations—Livestock—Densities.~~
- 18.80.050 ~~Repealed. Animal regulations—Livestock—Farm management plans.~~
- 18.80.060 ~~Repealed. Animal regulations—Livestock—Management standards.~~
- 18.80.070 ~~Repealed. Animal regulations—Livestock—Building requirements.~~
- 18.80.080 ~~Repealed. Animal regulations—Livestock—Education and enforcement.~~
- 18.80.090 ~~Repealed. Existing livestock operations.~~
- 18.80.100 Home occupation.
- 18.80.110 Home industry.
- 18.80.120 Protection of agricultural uses.

18.80.010 Purpose.

The purpose of this chapter is to enhance and preserve the compatibility between neighboring properties by regulating the scope and intensity of accessory uses or activities.

18.80.015 General requirements.

The keeping of domestic animals, livestock, fowl, and bees is permitted outright as an accessory use to any primary use, in each case subject to all of the following requirements.

(1) Domestic animals which are kept indoors as household pets in aquariums, terrariums, cages or similar containers are permitted in all zoning districts and shall not be limited in number, except as provided in Chapter 6.05 CMC. Other domestic animals kept indoors or outdoors shall be limited to five (5), of which not more than three (3) may be unaltered cats or dog.

(2) Kennels and catteries within the city must comply with the following, in addition to the provisions adopted under Chapters 6.05 CMC, 18.25.050 CMC, and 18.31.080 CMC.

(a) For kennels located on residential zoned sites:

(i) The minimum site area shall be five (5) acres; and

(ii) Structures housing animals and outdoor animal runs shall be a minimum distance of one hundred (100) feet from property lines abutting residential zones; and

(iii) The maximum number of adult dogs shall be ten (10).

(b) For kennels located on nonresidential zoned sites, run areas shall be completely surrounded by an eight-foot (8 ft) solid wall or fence and are subject to the requirements in Section 11.04.060 King County Code, Section 18.25.050 CMC, and Section 18.31.080 CMC ; and

(c) Catteries shall be on sites of 35,000 square feet or more, and buildings used to house cats shall be a minimum distance of fifty (50) feet from property lines abutting residential zones.

(3) Fowl are permitted in all zoning districts, except the Town Center district, with no required minimum lot size, subject to the following:

(a) **Five (5)** fowl are allowed on lots less than 16,000 square feet. One (1) additional fowl is allowed for every additional 4,000 square feet of lot size.

(b) Structures and confinement areas housing fowl shall be located a minimum of ten (10) feet from all property lines and twenty (20) feet away from any dwelling unit on an adjacent lot.

(c) Roosters and peafowl are not permitted.

(4) Livestock is permitted in all zoning districts, except the Town Center district, subject to the following:

(a) The minimum lot size for keeping livestock is 20,000 square feet for the first animal, and 15,000 square feet for each additional animal unit;

b) All livestock facilities and outdoor confinement areas shall be located a minimum of ten (10) feet from all property lines and a minimum of (30) feet from any dwelling unit on an adjacent property and shall be subject to the following additional restrictions:

(i) Grazing areas may project to property lines;

(ii) Swine shall not be kept within fifty (50) feet of all property lines and dwelling units, with the exception of miniature potbelly pigs in accordance with subsection (8) of this section; and

(iii) Doorways and other openings to the livestock facilities and outdoor confinement shall be oriented away from neighboring properties unless no alternative location exists that does not create an impact to neighbors;

(5) All livestock facilities, structures housing fowl, confinement areas, and grazing areas shall be cleaned of manure or refuse on a regular basis. The director shall have the authority to require more frequent cleaning if the manure or refuse becomes a nuisance;

(6) No portion of a livestock facility, structure housing fowl, confinement area, and/or grazing area shall be located within a critical area and or critical area buffer unless permitted pursuant to Chapter 18.65 CMC:

(a) A Farm Conservation Plan prepared by the King Conservation District shall be submitted to the city for any livestock facilities, structures housing fowl, confinement areas, and/or grazing areas located on properties with critical areas and critical area buffers. The Farm Conservation Plan shall be prepared in accordance with Chapter 18.65 CMC, Section 21A.30.045 (A), (B), (C), and (D) King County Code, and Section 21.30.060 King County Code.

(b) All existing livestock facilities, structures housing fowl, confinement areas, and grazing areas located within critical areas or critical area buffers shall provide a Farm Conservation Plan to the city within two (2) years of the adoption of this chapter.

(7) All livestock and fowl shall be kept within an enclosure or a fence of sufficient strength and construction to prevent the escape of or injury to the livestock and fowl.

(8) Miniature potbelly pigs, commonly known as the Vietnamese, Chinese, or Asian potbelly pigs (*Sus scrofa bittatus*), may be kept as domestic animals in accordance with subsection (1) of this section; provided, each potbelly pig is not greater than twenty-two (22) inches in height at the shoulder or no more than one hundred fifty (150) pounds in weight. Swine that exceeds

these limitations shall be considered livestock and shall meet setback requirements in subsection (4) of this section. The maximum number of potbelly pigs kept as domestic animals shall be two (2) per household;

(9) Bees may be kept subject to the following regulations:

(a) Properties housing bees shall be a minimum of 10,000 square feet in area.

(b) Two (2) hives are permitted if the subject property is less than 20,000 square feet in area. One (1) additional hive is allowed for each additional 10,000 square feet in lot size.

(c) Hives shall be a minimum of twenty-five feet (25 ft) from each property line, with the hive(s) entrance(s) facing away from the nearest property line.

(d) All hives shall be registered with the Washington State Department of Agriculture, pursuant to RCW 15.60.021, prior to April of each year in which they are kept.

(10) The keeping of domestic animals, livestock, fowl, and bees for any for-profit venture shall comply with the requirements of Chapters 5.10 CMC, 18.80.100 CMC, and 18.80.110 CMC.

(11) The keeping of domestic animals, livestock, fowl, and bees is permitted on properties without a primary use if two (2) or more lots are conjoined and owned by the same landowner, and one of the properties contains a primary use.

18.80.017 Other requirements, nuisances, and enforcement.

(1) The raising and keeping of domestic animals, livestock, fowl or bees is also subject to Chapters 6.05 CMC, 8.20 CMC, and 8.30 CMC.

(2) The following domestic animal, livestock, fowl, or bee uses under this chapter shall also be considered nuisances:

(a) Causes damages to the property of anyone other than its owner;

(b) Is vicious in nature;

(c) Causes unreasonable and continuous odor at the adjacent property line;

(d) Causes unsanitary conditions in enclosures or surroundings; provided, however, that this subsection is not violated if the alleged nuisance occurs by the accumulation of expected amounts of manure, urine, or other animal waste products and the manure is not allowed to stockpile, but is either composted, tilled into the ground or hauled away from the premises;

(e) Barks, whines, howls or other disturbing noises are made in an excessive, continuous, or untimely fashion;

(f) Is determined by the King County health department to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare or safety.

(3) Except as otherwise provided in this chapter, any violation of any provision of this chapter constitutes a civil code violation subject to and enforced pursuant to the provisions of Chapter 1.30 CMC.

18.80.018 Amortization requirements.

Except for as provided in CMC 18.80.015(6), the following amortization requirements shall apply to prior legal nonconforming animal uses under this chapter:

(1) Any prior legal nonconforming animal uses must be discontinued or brought into conformance with CMC 18.80.015(1), (3), (7), (8), (9), and (10) within three (3) months of the effective date of the ordinance codified in this chapter.

(2) Any prior legal nonconforming animal uses must be discontinued or brought into conformance with CMC 18.80.015(2), (4), and (6) within one (1) year of the effective date of the ordinance codified in this chapter.

(a) An extension or exemption from the amortization requirements in this subsection (2), only, may be applied for by the property owner on which the prior legal nonconforming animal use exists. An application for an amortization exemption or extension may be approved, or approved with modification, by the director if it satisfies all of the following criteria:

(i) The use is compatible with the subject property;

(ii) The use substantially complies with the requirements of the code for the land use district in which it is located. Minor deviations from these code provisions may be approved by the director if he or she concludes that the use is compatible with the character of the primary structures on the subject property and with the structures and uses on surrounding properties;

(iii) The enforcement of this code would result in a substantial hardship to the applicant due to the size, shape, topography, location, or surroundings of the subject property and such hardship was not created by any action of the applicant;

(iv) The use is consistent with the city's comprehensive plan; and

(v) The use is consistent with and does not endanger the public health, safety and welfare.

The decision to issue an amortization extension or exemption under this subsection shall be made in the sole discretion of the director, and such decision shall be final.

(3) Any prior legal nonconforming animal uses must comply with all other provisions of this chapter not enumerated above immediately upon the effective date of the ordinance codified in this chapter.

(4) Any and all new animal uses shall be subject to the provisions of this chapter.

18.80.020 Animal regulations — Small animals.

The raising, keeping, breeding or fee boarding of small animals are subject to Chapter 11.04 KCC, Animal Control Regulations (adopted by Chapter 6.05 CMC), and the following requirements:

(1) Small animals which are kept indoors as household pets in aquariums, terrariums, cages or similar containers shall not be limited in number, except as may be provided in KCC Title 11 (adopted by Chapter 6.05 CMC). Other small animals excluding cats kept indoors as household pets shall be limited to five, of which not more than three may be unaltered cats or dogs. Cats kept indoors shall not be limited in numbers.

~~(2) Other small animals kept outside, including adult cats and dogs, shall be limited to three per household on lots of less than 20,000 square feet, five per household on lots of 20,000 to 35,000 square feet, with an additional two per acre of site area over 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use pursuant to subsection (5) of this section; provided, that all unaltered animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a hobby kennel or cattery or commercial kennel or cattery pursuant to Chapter 11.04 KCC (adopted by Chapter 6.05 CMC).~~

~~(3) Excluding kennels and catteries, the total number of unaltered adult cats and/or dogs per household shall not exceed three.~~

~~(4) Animals considered to be household pets shall be treated as other small animals pursuant to subsection (5) of this section when they are kept for commercial breeding, boarding or training.~~

~~(5) Small animals and household pets kept as an accessory use outside the dwelling shall be raised, kept or bred only as an accessory use on the premises of the owner, or in a kennel or cattery approved through the conditional use permit process, subject to the following limitations:~~

~~(a) Birds shall be kept in an aviary or loft that meets the following standards:~~

~~(i) The aviary or loft shall provide one-half square foot for each parakeet, canary or similarly sized birds, one square foot for each pigeon, small parrot or similarly sized bird, and two square feet for each large parrot, macaw or similarly sized bird.~~

~~(ii) Aviaries or lofts shall not exceed 2,000 square feet, provided this limit shall not apply in rural, forestry, or agricultural zones.~~

~~(iii) The aviary is set back at least 10 feet from any property line, and 20 feet from any dwelling unit.~~

~~(b) Small animals other than birds shall be kept according to the following standards:~~

~~(i) No property owner shall keep or house more than three small animals.~~

~~(ii) All animals shall be confined within a building, pen, aviary or similar structure.~~

~~(iii) Any covered structure used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line, except structures used to house mink and fox shall be a distance of not less than 150 feet from any property line.~~

~~(iv) Mink and fox are not permitted within City limits.~~

~~(v) Beekeeping is limited as follows:~~

~~(A) Beehives are limited to 50 on sites less than five acres;~~

~~(B) The number of beehives shall not be limited on sites of five acres or greater;~~

~~(C) Colonies shall be maintained in movable-frame hives at all times;~~

~~(D) Adequate space shall be provided in each hive to prevent overcrowding and swarming;~~

~~(E) Colonies shall be requeened following any swarming or aggressive behavior;~~

~~(F) All colonies shall be registered with the City extension agent prior to April 1st of each year, on a State registration form acceptable to the City; and~~

~~(G) Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in this code;~~

~~(c) Kennels and catteries are subject to the following requirements:~~

~~(i) For kennels located on residential-zoned sites:~~

~~(A) The minimum site area shall be five acres; and~~

~~(B) Structures housing animals and outdoor animal runs shall be a minimum distance of 100 feet from property lines abutting residential zones;~~

~~(ii) For kennels located on nonresidential-zoned sites, run areas shall be completely surrounded by an eight-foot solid wall or fence, and be subject to the requirements in KCC 11.04.060 (adopted by Chapter 6.05 CMC); and~~

~~(iii) Catteries shall be on sites of 35,000 square feet or more, and buildings used to house cats shall be a minimum distance of 50 feet from property lines abutting residential zones. (Ord. 42-02 § 2 (21A.30.020))~~

~~**18.80.030 Animal regulations — Livestock — Purpose.**~~

~~The primary purpose of CMC 18.80.040 through 18.80.090 is to support the raising and keeping of livestock in the City in a manner that minimizes the adverse impacts of livestock on the environment particularly with regard to their impacts on water quality and salmonid fisheries~~

habitat in the City of Covington watersheds. Maintaining and enhancing the viability of fisheries, livestock raising and farming are essential to the long-term economic vitality, recreation opportunities and quality of life in rural and resource lands of the City of Covington. The following sections establish regulations which set livestock densities and require implementation of best management practices for minimizing nonpoint pollution from livestock in a manner that recognizes the need for integrated resource management within the City of Covington watersheds. They are intended to be consistent with livestock welfare; however, these concerns are more appropriately addressed through Chapter 11.04 KCC (adopted by Chapter 6.05 CMC). (Ord. 42-02 § 2 (21A.30.030))

18.80.040 Animal regulations – Livestock – Densities.

The raising, keeping, breeding or fee boarding of livestock are subject to Chapter 11.04 KCC (adopted by Chapter 6.05 CMC), Animal Control Regulations, and the following requirements:

(1) The minimum lot size on which large livestock may be kept shall be 20,000 square feet; provided, that the amount of site area available for use by the livestock may be less than 20,000 square feet; and provided further, that the portion of the total lot area used for confinement or grazing meets the requirements of this section.

(2) The maximum number of livestock shall be as follows:

(a) Commercial dairy farms in full compliance with a Washington State Department of Ecology NPDES general or special use permit, as consistent with the permit requirements. Otherwise, subsection (2)(c) of this section applies. Commercial dairies shall have five years from the adoption of this section to either comply with the State permit requirements or come into compliance with King County Ordinance 11168.

(b) Six resident animal units per gross acre in stables, barns and other livestock operations with covered confinement areas; provided, that no more than three animal units per gross acre are allowed to use uncovered grazing or confinement areas on a full-time basis, and the standards in CMC 18.80.060 are met or a farm management plan is implemented and maintained pursuant to King County Ordinance 11168; provided further, that higher densities may be allowed subject to the conditional use permit process to confirm compliance with the management standards. This conditional use permit process is not required for existing operations which operate with higher densities, provided the

standards in King County Ordinance 11168 are met or a farm management plan is implemented for such operations.

(c) For all large livestock not covered by subsections (2)(a) or (b) of this section, three animal units per gross acre of vegetated site area; provided, that the standards in CMC 18.80.060 are met or a farm management plan is implemented and maintained.

(i) If a farm management plan is implemented and maintained as required or, in the alternative, all of the management standards of CMC 18.80.060 are met, three horses, cows or similarly sized animals per gross acre of total site area; provided further, that two ponies shall be counted as being equivalent to one horse and that miniature horses shall be treated as small livestock subject to subsection (2)(d) of this section.

(ii) If subsection (2)(c)(i) of this section is not met, one animal unit per two acres of vegetated area; provided, that the standards for storage and handling of manure, as set out in CMC 18.80.050, are met;

(d) For purposes of these regulations, an animal unit shall consist of one adult horse or bovine, two ponies, five small livestock, or equivalent thereof (excluding sucklings); provided, that miniature horses and feeder calves (up to one year of age) shall be considered small livestock. (Ord. 42-02 § 2 (21A.30.040))

18.80.050 Animal regulations – Livestock – Farm management plans.

(1) To achieve the maximum density allowances using a farm management (conservation) plan, the plan must be developed according to the following criteria:

(a) The plan must be developed by the King County Conservation District.

(b) The plan shall require site-specific management measures for minimizing nonpoint pollution from agricultural activities including but not limited to:

(i) Livestock watering, wetland and stream corridor management;

(ii) Grazing and pasture management;

(iii) Confinement area management;

(iv) Manure management.

~~(c) The plan shall be implemented within a timeframe established in the plan and maintained such that nonpoint pollution attributable to livestock-keeping is minimized.~~

~~(d) A monitoring plan shall be developed as part of the farm management plan, and implemented to demonstrate no significant impact to water quality and salmonid fisheries habitat. Monitoring data shall be available to the City.~~

~~(2) Farm management plans (FMPs) shall, at a minimum:~~

~~(a) Generally seek to achieve a 25-foot buffer of diverse, mature vegetation between grazing areas and the ordinary high water mark of all Class 1 and 2 streams and any naturally-occurring pond and the wetland edge of any Class 1 or 2 wetland on the site, using buffer averaging where necessary to accommodate existing structures. No buffer for Class 1 or 2 streams shall be less than 10 feet. The plan must include best management practices which avoid having manure accumulate in or within 10 feet of Class 3 streams; provided, that forested lands being cleared for grazing areas shall comply with the sensitive areas ordinance setbacks for Class 1, 2 and 3 streams and Class 1 and 2 wetlands.~~

~~(b) Assure that drainage ditches on the site do not channel animal waste to such streams and wetlands.~~

~~(c) Achieve an additional 20-foot buffer downslope of any confinement areas within 200 feet of Class 1 and 2 streams. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if:~~

~~(i) A minimum buffer of 25 feet of diverse, mature vegetation is achieved;~~

~~(ii) Manure within the confinement area is removed daily during the winter season (October 15th to April 15th) and stored per CMC 18.80.060(4);~~

~~(iii) Additional BMPs, as recommended by the Community Development Director, are implemented and maintained.~~

~~(d) Include a schedule for implementation.~~

~~(3) A copy of the final plans shall be provided to the City within 60 days of completion.~~

~~(4) The completed plan may be appealed to the Hearing Examiner pursuant to the provisions of Chapter 14.35 CMC. The appeal must be filed within 30 days of being received by the Clerk. Only the property owner may file appeals. Any plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of CMC 13.35.030. (Amended at request of department 2/08; Ord. 42-02 § 2 (21A.30.045))~~

~~**18.80.060 Animal regulations — Livestock — Management standards.**~~

~~Property owners with farms containing large livestock at densities greater than one animal unit per two acres, and/or small livestock at densities greater than five animals per acre are not required to follow an FMP if said owners adhere to the following management standards. This section shall apply as long as farm practices do not result in violation of any Federal, State or local water quality standards.~~

~~(1) Livestock Watering, Wetland and Stream Corridor Management. To minimize livestock access to streams, property owners shall utilize the following livestock watering options:~~

~~(a) The preferred option shall be a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from the stream so that livestock are not required to enter streams for their water supply.~~

~~(b) Livestock access to Class 1 and 2 streams and their buffers shall be limited to stream crossing and watering points which have been addressed by a crossing or watering point plan designed to SCS/KCD specifications which shall prevent free access along the length of the streams.~~

~~(i) Fencing shall be used as necessary to prevent livestock access to Class 1 and 2 streams.~~

~~(ii) Bridges may be used in lieu of stream crossings; provided, that piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish the flood carrying capacity of the stream; these bridges may be placed without a City building permit; provided, that such permit waiver shall not constitute any assumption of liability by the City with regard to such bridge or its placement. The waiver of City building permit requirements does not constitute a waiver from other required agency permits.~~

~~(2) Grazing and Pasture Management.~~

~~(a) Existing grazing areas not addressed by Chapter 18.65 CMC shall maintain a vegetative buffer of 50 feet from any naturally occurring pond, wetland edge of a Class 1 or 2 wetland (except those wetlands meeting the definition of grazed wet meadows), or the ordinary high water mark of a Class 1 or 2 stream.~~

~~(b) Forested lands being cleared for grazing areas shall comply with the sensitive areas ordinance setbacks for Class 1, 2 and 3 streams, and Class 1 and 2 wetlands.~~

~~(c) The grazing area buffer may be reduced to 25 feet where a 25-foot buffer of diverse, mature vegetation already exists. This buffer reduction may not be used when forested lands are being cleared for grazing areas.~~

~~(d) Fencing shall be used to establish and maintain the buffer.~~

~~(e) Fencing installed pursuant to the 1990 SAO prior to the effective date of the ordinance codified in this section at setbacks other than those specified in subsections (2)(a) and (b) of this section shall be deemed to constitute compliance with those requirements.~~

~~(f) Grazing areas within 200 feet of a Class 1 or 2 stream or wetland shall not be plowed during the rainy season (October 1st through April 15th).~~

~~(g) Grazing areas may extend to the property line; provided, that Class 1 or 2 streams and wetlands adjacent to the property line are buffered in accordance with subsection (2)(a), (b) or (c) of this section.~~

~~(3) Confinement Area Management.~~

~~(a) In addition to the buffers in subsection (2)(a) and (b) section, confinement areas located within 200 feet of any Class 1 or 2 streams, wetlands or drainage ways shall:~~

~~(i) Have a 20-foot-wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and which may also include tree cover;~~

~~(ii) Not be located in any Class 1 or 2 stream or wetland buffer area required by the sensitive areas ordinance in effect at the time the confinement area is built, or within 50 feet of any naturally occurring pond, wetland edge of any Class 1 or 2 wetland or the ordinary high water mark of any Class 1 or 2 stream. Fencing shall be used to establish and maintain the buffer. Existing confinement areas which do not meet~~

~~these requirements shall be modified as necessary to provide the buffers specified herein within five years of the effective date of the ordinance codified in this section; provided further, that the footprint of existing buildings need not be so modified;~~

~~(iii) Have roof drains of any buildings in the confinement area diverted away from the confinement area.~~

~~(b) Confinement areas may extend to the property line; provided, that streams and wetlands adjacent to the property line are buffered in accordance with subsection (3)(a) of this section.~~

~~(4) Manure Management.~~

~~(a) Manure storage areas shall be managed as follows:~~

~~(i) Surface flows and roof runoff shall be diverted away from manure storage areas.~~

~~(ii) During the winter months (October 15th to April 15th), all manure stockpiled within 200 feet uphill of any Class 1 or 2 stream or wetland shall be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger; or, in the alternative, shall be placed in an uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle or other facility designed to prevent leachate from reaching any streams or any Class 1 or 2 wetlands. Concrete bunkers shall be monitored quarterly for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustments shall be made.~~

~~(iii) Manure shall be stored in a location that avoids having runoff from the manure enter streams or wetlands. Manure piles shall not be closer than 50 feet uphill from any wetland edge, the ordinary high water mark of any stream, or any ditch to which the topography would generally direct runoff from the manure, nor within any stream buffer.~~

~~(b) Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.~~

~~(5) Noxious Weeds. None of these standards shall preclude the removal of noxious weeds; provided, that such removal is achieved without the use of chemicals or mechanical methods which would be damaging to stream banks or other vegetation in the buffer.~~

~~(6) For purposes of this section, “buffer maintenance” means allowing vegetation in the buffer which provides shade for the stream or acts as a filter for storm water entering the stream, other than noxious weeds, to grow to its mature height; provided, that grasses in the buffer may be mowed but not grazed. Grading in the buffer is allowed only for establishment of watering and crossing points, or for other activities permitted pursuant to the sensitive areas ordinance, with the appropriate permits.~~

~~(7) Properties which have existing fencing already installed at distances other than those specified in these standards, and for which farm management plans have been developed based on the existing fencing locations, shall be deemed to be in compliance with the fencing requirements of these standards.~~

~~(8) Buffer areas shall not be subject to public access, use or dedication by reason of the establishment of such buffers. (Ord. 42-02 § 2 (21A.30.060))~~

~~**18.80.070 Animal regulations – Livestock – Building requirements.**~~

~~(1) In residential zones, fee boarding of livestock other than in a legally established stable shall only be as an accessory use to a resident on the subject property.~~

~~(2) A barn or stable may contain a caretaker’s accessory living quarters under the following conditions:~~

~~(a) Only one accessory living quarters per primary detached dwelling unit, except in zones where accessory living quarters are specifically prohibited;~~

~~(b) The accessory living quarters shall not exceed 500 square feet; and~~

~~(c) The structure must be constructed in conformance with the International Building Code; and~~

~~(3) A barn or stable may contain a caretaker’s accessory dwelling unit as allowed pursuant to these provisions of this title relating to accessory dwelling units. (Ord. 06-05 § 1; Ord. 23-04 § 18; Ord. 42-02 § 2 (21A.30.062))~~

~~**18.80.080 Animal regulations – Livestock – Education and enforcement.**~~

~~(1) Education. Enforcement of these livestock standards shall initially emphasize achieving compliance with the standards as the primary objective, rather than the collection of fines or penalties. Fines or penalties are appropriate when a property owner or livestock operator has been advised of necessary corrective actions and has not made those corrections. Where violations of the standards do occur, and such violations are directly linked to identified hazards or the discharge of prohibited contaminants, as enumerated in the City civil penalty ordinance, Chapter 1.30 CMC, code enforcement must emphasize immediate correction of the practices resulting in the hazard or prohibited discharge.~~

~~(2) Both the property owner and any renter or lessee of the property, hereinafter referred to "livestock operator," shall be held responsible for compliance with these standards.~~

~~(3) Prima Facie Evidence. Establishment and adherence to a farm management plan as allowed by CMC 18.80.050 or the management standards provided by CMC 18.80.060 shall be prima facie proof of compliance with the regulatory provisions of CMC 13.35.030.~~

~~(4) Violations of Specific Standards. The Department shall be responsible for enforcement of the standards set out in this chapter. The Surface Water Management Division shall be responsible for enforcement of water quality violations pursuant to Chapter 13.35 CMC for prohibited discharges and hazards. If a specific standard identified in this chapter is not being adhered to, the operator and owner shall be given notice of noncompliance. The notice shall specify what actions must be taken to bring the property into compliance. The operator and owner shall be given 45 days in which to adhere to the management standards of CMC 18.80.060, or establish a farm management plan pursuant to CMC 18.80.050 as the owner and/or livestock operator may elect for the purpose of compliance. Should the owner and/or livestock operator fail to bring the property into compliance with the standards, the City, after notice, may commence abatement proceedings and impose civil fines 30 days thereafter, to the extent necessary for compliance. Thereafter, upon exhaustion of any appeals, failure of the operator and owner to comply with any continuing order to abate, the operator and owner shall be subject to civil and criminal penalties, and other procedures, as set forth in this title and Chapter 1.30 CMC. (Ord. 10-07 § 13; Ord. 42-02 § 2 (21A.30.066))~~

~~18.80.090 Existing livestock operations.~~

~~All existing livestock operations shall either implement a farm management plan or meet the management standards in CMC 18.80.060, within five years of the adoption date of this title:~~

~~existing buildings are exempt from this provision. State standards for fecal coliform, turbidity, and nutrients must be met within five years from the date of adoption of the ordinance codified in this chapter. The Metropolitan Services Department/Water Quality Division shall monitor stream systems for progress in meeting this goal, and report annually to the Council. (Ord. 42-02 § 2 (21A.30.070))~~

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CMC 18.25.050
General services land uses.

18.25.050 General services land uses.

A. Table.

Key												
P – Permitted Use												
C – Conditional Use												
SIC #	SPECIFIC LAND USE	M	US	R4-8	R-12	R-18	MR	CC	NC	RCMU	I	
*	PERSONAL SERVICES:											
72	General personal service						P	P	P	P	P	
7216	Dry cleaning plants										P	
7218	Industrial launderers										P	
7261	Funeral home/crematory			C4	C4	C4	C4					
*	Cemetery, columbarium or mausoleum (5)			C3	C3	C3	C3	C3	C3			
*	Day care I			P6	P6	P	P	P	P	P	P7	
*	Day care II			P8	P8	P	P	P	P	P	P7	
074	Veterinary clinic <u>or</u> <u>*Animal Shelter</u> (12)									P	P	
753	Automotive repair (1) (12)										P	
754	Automotive service (2)										P	
76	Miscellaneous repair										P	
866	Churches, synagogue, temple		C	C	C	C	C	P	P	C		
83	Social services						P	P		P		
60/81/872	Legal/financial					P9, 14	P13	P	P14	P		
8748	Business consulting services					P9	P13	P		P		
*	Kennel or Cattery		<u>P</u>	<u>C</u>							<u>P12</u>	

*	Artist studios					P9	C	P		P	P
*	Interim recycling facility		P10								P
HEALTH SERVICES:											
*	Medical/dental office/outpatient clinic					P9	P13, 15	P	P	P	P
805	Nursing and personal care facilities					P9					
807	Medical/dental lab					P9					P
808 – 809	Miscellaneous health					P9					
EDUCATIONAL SERVICES:											
	Schools: Elementary, middle/junior high, secondary or high school			P	P	P	P				
	Vocational school			C	C	C	C				P
	Specialized instruction school			C	C	C	C	P			P
	School district support facility			P11	P11	P11	P11	C			P

...

CMC 18.31.080
Permitted land uses

18.31.080 Permitted land uses.

(1) The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied or maintained. The use is considered permanently established when that use will or has been in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of Chapter 18.85 CMC.

...

(3) Permitted Use Table.

Use Categories	Town Center (TC) ²³	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing Office (MHO) ¹
Residential				
Dwelling Unit, Accessory	NP	NP	NP	P ²
Dwelling Unit, Multifamily	P ²⁶	P	P	P
Dwelling Unit, Single-Family Attached, Detached or Cottage Housing ²¹	NP	NP	NP	P ²
Senior Citizen Assisted Housing	P	P	P	C
Commercial				
Adult Entertainment	NP	P ³	P ³	NP
Business Services ¹⁹	P ⁵	P	P	P ^{4,5}
Drive Through Use	NP	P	P	NP
Farmers' Markets and Public Markets ⁶	P	P	P	NP
Gambling and Card Rooms	NP	NP	NP	NP
Home Occupation and Live/Work	P	P	P	P
<u>Veterinary Clinics (SIC 074), Animal Shelters, Kennels, and Catteries²⁰</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>

Outdoor Commercial	NP	NP	P	NP
Personal and Beauty Services ^{20,21}	P	P	P	P
Private Electric Vehicle Parking Facility (Primary Use)			P ^{5,24}	
Private Parking Facility (Primary Use)	NP	NP	NP	NP
Professional Office	P	P	P	P
Retail Trade and Services – 100,000 sq. ft. or less for all structures	P ⁵	P	P ¹⁰	P ^{4,5}
Retail Trade and Services – greater than 100,000 sq. ft. for all structures	C ^{5,9,18}	P	P ¹⁰	NP
Shooting Ranges ²⁵	NP	NP	P	NP
Storage/Self Storage	NP	P ⁵	P	NP
Temporary Lodging/Hotel	P	P	P	C ²²
Cultural/Recreation				
Cinema, Performing Arts and Museums	P	P	P	NP
Meeting Hall/Other Group Assembly	P	P	P	C
Recreation, Indoor or Outdoor	C	P	P	P
Religious	C ⁷	P	P	C
Health Services				
Emergency Care Facility	C ^{9,18}	P	NP	NP
Hospital	NP	P	NP	NP
Medical Office/Outpatient Clinic	P ⁸	P	NP	P
Nursing/Personal Care Facility	NP	P	NP	C
Industrial/Manufacturing				
Asphalt Plants	NP	NP	NP	NP
Light Industrial/Manufacturing	NP	NP	P ¹⁰	NP
Government/Institutional ¹¹				
Essential Public Facilities	NP	NP	C	NP
Government Services	P	P	P	P ¹²
Major Utility Facility	C ¹⁴	C	P	C
Minor Utility Facility	P ¹⁵	P	P	P

Schools: Compulsory, Vocational and Higher Education	C ¹³	P	NP	C
Wireless Communication Facilities ¹⁶				
Antenna, Collocation on an Existing Structure ¹⁷	P	P	P	P
Wireless Communication Facility Tower	NP	NP	NP	NP

20. a. No burning of refuse or dead animals is allowed;

b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, ~~excluding confinement areas for livestock,~~ shall be surrounded by an eight-foot-high solid wall and surfaced with concrete or other impervious material;

c. Subject to animal keeping provisions of Chapter 18.80 CMC;

d. Prior to issuance of a development permit, documentation shall be provided by a qualified acoustical consultant, for approval by the Community Development Director, verifying that the expected noise to be emanating from the site complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property;

~~e. Outside runs and other outside facilities for animals are not permitted;~~

e f. Not permitted in any subdivision containing dwelling units; and

f g. May only treat domestic ~~small~~ animals on premises.

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