

**CITY OF NORTH BONNEVILLE
ORDINANCE NO. 994**

AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE, WASHINGTON, AMENDING NORTH BONNEVILLE MUNICIPAL CODE TITLE 18 AND 20, ADOPTING CHAPTER 20.57 LIVESTOCK CONDITIONAL USE AND REPEALING CHAPTER 6.12 LIVESTOCK, FOWL AND SECTION 2.08.060 REVIEW AND FILING FEES.

WHEREAS, pursuant to chapter RCW 35A.11, the City Council may provide such laws regulating land use as are necessary for the public health, safety and welfare of its residents, and;

WHEREAS, the City has adopted Title 20 NBMC to regulate land use within the City, and;

WHEREAS, the City has adopted provisions of chapter 6.12 also regulating in part the keeping of livestock and fowl, and;

WHEREAS, the Council deems it necessary and desirable and in the best interest of the residents of the City to have clear and concise provisions relating to the keeping of livestock and fowl;

NOW, THEREFORE, The City Council of the City of North Bonneville does hereby ordain as follows:

Section 1. Amending Chapter 18.01, Land Development Administrative Procedures

Chapter 18.01.010, Purpose and Definitions, shall be amended as follows:

Chapter 18.01.010 Purpose and definitions.

B. Definitions.

9. "Project permit" or "project permit application" means any land use or environmental permit or license required from the city for a project action, including but not limited to subdivisions, planned unit developments, conditional uses, livestock conditional uses, shoreline substantial development permits, permits or approvals required by the critical areas protection ordinance (Chapter 21.10 of this code), site-specific rezones authorized by the North Bonneville comprehensive plan or a formally adopted subarea plan, but excluding the adoption or amendment of the North Bonneville comprehensive plan, a subarea plan, or development regulations except as otherwise specifically included in this subsection.

Chapter 18.01.040 Project permit application framework.

Table 1 -- Permits/Decisions

Type I-A	Type I-B	Type II	Type III	Type IV	Type V
Building permits	Site and building plan review (1)	Site and building plan review (1)	Preliminary plat for full subdivision	Final plat	Development regulations
Grading permits	Boundary line Adjustment	Short plat	Preliminary PUD	Final PUD	Zoning text and map amendments
Manufactured home placement permit		Conditional use	Site specific rezone		Comprehensive plan text and map amendments
Permitted uses not requiring notice of application		<u>Livestock</u> <u>Conditional use</u>	Shoreline substantial development, conditional use, or variance permit		Shoreline Master Program amendments
					Annexations

Section 2. Amending Chapter 18.02, Land Development Permit Application and Appeal Fees

Chapter 18.02.010, Permit Application and Appeal Fees, shall be amended as follows:

Section 18.02.020 Building, land use, and development fees.

D. Type II Applications (see Section 18.01.040).

1. Site and building plan review: \$300.00;
2. Conditional use: \$200.00;
3. Livestock conditional use: \$ _____, annual reapplication \$ _____ plus outside professional review costs per NBMC 20.57.060, if required;
4. Short plat: \$150.00.

Section 3. Amending Title 20, Zoning

Title 20, Zoning, shall be amended as follows:

Chapter 20.12 Definitions.

Section 20.12.242 Livestock.

Non-household animals raised within a specific property boundary and are not routinely left free to roam within a household or office of a business. These non-household animals will commonly be referred to as livestock, including but not limited to, chickens, ducks, geese, turkeys, pheasants, horses, cows, sheep, goats, ponies, llamas, rabbits, pigs, reptiles, and bees.

Section 20.16.030 Conditional uses.

~~Uses that require a conditional use permit:~~

- A. Churches, schools, day care and assisted living facilities, bed and breakfast or tourist homes with a conditional use permit.
- B. Livestock with a livestock conditional use permit.

Section 20.18.020 Prohibited uses.

~~G. Possession of non-household animals including, but not limited to, horses, cows, sheep, goats, ponies, swine, fowl, and poisonous insects, reptiles kept without approval of the City Council. Livestock.~~

Section 20.20.020 Prohibited uses.

~~G. Possession of non-household animals including, but not limited to, horses, cows, sheep, goats, ponies, swine, fowl, and poisonous insects, reptiles kept without approval of the City Council. Livestock.~~

Section 20.22.020 Prohibited uses.

H. Livestock.

Section 20.24.020 Prohibited uses.

C. Livestock.

Section 20.26.050 Conditional uses.

~~Uses that require a conditional use permit:~~

- ~~A. Commercial uses such as restaurants and small retail shops, if they are not located as part of a primary recreational or visitor use with a conditional use permit.~~
- ~~B. Livestock with a livestock conditional use permit.~~

Section 20.28.030 Conditional uses.

~~Uses that require a conditional use permit:~~

- ~~1.A. Single-family residential construction, surface mining, small boat marinas with a conditional use permit.~~
- ~~B. Livestock with a livestock conditional use permit.~~

Section 20.32.030 Conditional uses.

Livestock with a livestock conditional use permit.

~~Uses that require a conditional use permit:~~

- ~~A. Communications facilities, public and private, including towers, masts, antennas, accessory buildings, fences, access roads and parking.~~
- ~~B. Single-family residential construction.~~

Section 20.34.030 Conditional uses

Livestock with a livestock conditional use permit.

~~Section 20.34.030 20.34.040 Property development standards.~~

~~Section 20.34.040 20.34.050 Signs.~~

~~Section 20.34.050 20.34.060 Building heights.~~

~~Section 20.34.060 20.34.070 Setbacks.~~

Section 20.36.030 Prohibited uses.

A. Livestock

~~Section 20.36.030~~ 20.36.040 Conditional uses.

~~Section 20.36.040~~ 20.36.050 Property development standards.

Section 20.38.020 Prohibited uses.

All retail and commercial uses. Livestock.

Section 20.40.020 Prohibited uses.

Retail stores, service stations, residential construction, except as permitted in Section 20.40.010. Livestock.

Section 20.46.020 Prohibited uses.

All commercial and retail uses, all residential uses. Livestock.

Chapter 20.56 Conditional Uses

Section 20.56.010 Purpose.

Certain uses, because of their unusual nature, infrequent occurrence, special requirements, possible safety hazards, or detrimental effects on surrounding properties and other similar reason, are classified as conditional uses. These may be allowed in certain zones by a conditional use permit granted by the ~~City~~ Council Planning Commission.

Section 4. Adopting Chapter 20.57 Livestock Conditional Use

Chapter 20.57 Livestock Conditional Use is hereby adopted and added as follows:

Chapter 20.57 Livestock Conditional Uses

Sections:

20.57.010 Purpose.

20.57.020 Imposition of conditions.

20.57.030 Permit - contents, limitations and review.

20.57.040 Permits issued prior to the effective date of this title.

20.57.050 Application for permit.

20.57.060 Application review.

20.57.070 Violation – penalty.

20.57.010 Purpose.

The purpose of this section is to allow for livestock within urban growth areas through the use of best management practices while protecting the uses on neighboring parcels. Certain animals, because of their unusual nature, infrequent occurrence, special requirements, possible safety hazards, odor, or detrimental effects on surrounding properties, and other similar reasons, are classified as conditional uses. Livestock may be allowed in certain zones by a livestock conditional use permit granted by the

Planning Commission. Since the definition of livestock is broad and covers a variety of animals having differing uses, lifestyle, health conditions, and habits, an annual review is deemed necessary.

20.57.020 Imposition of conditions.

When considering an application for a livestock conditional use permit, the Planning Commission shall consider the recommendation of the Administrator and applicable standards, provisions and policies established by this chapter as they pertain to the proposed use and may impose specific conditions precedent to establishing the application. The conditions may:

- A. Increase requirement in the standards, provisions or policies established by this chapter.
- B. Stipulate the size and location of the habitat(s) and associated areas to control and maintain the livestock so that livestock habitat minimizes hazard to life, limb, property, soil, water and traffic.
- C. Require structural features or equipment essential to maintain and control the livestock to serve the same purpose set forth in subsection B of this section.
- D. Impose conditions similar to those set forth in subsection A and B of this section as deemed necessary to establish parity with uses permitted in the same district in their freedom from nuisance generating features in matters of noise, odor, pollution, visual impacts, wastes, traffic, physical hazards and similar matters. Such impositions may be established to assure compatibility with the particular use of the particular site and in consideration of other existing and potential uses within the general area.
- E. Provide shorter time limits as necessary.
- F. Require outside veterinary certification of application conditions and/or periodic site review.

20.57.030 Permit - contents, limitations and review.

A. Contents. Each livestock conditional use permit issued by the city shall at least specify the location, number of animals by species, intended use, maintenance, and control of the individual animal and any offspring; together with all conditions and structures necessary to meet the requirements specified in section 20.57.020.

B. Limitations. Each livestock conditional use permit shall become null and void upon any of the following events:

1. When a condition within the contents of the permit is not met;
2. When the livestock use shall have been vacated for a period of a year or failure to apply for annual reapplication;
3. When any deviation from the terms of the livestock conditional use permit occur;
or

4. When a tenant or owner of a property for which a livestock conditional use has been granted leaves, sells, or trades the property.

C. Review. At any time a livestock conditional use permit may be revoked for just cause indicated in subsection B. Annually, a livestock conditional use permit will require a reapplication of the permit to determine if conditions provided on the original permit are appropriate.

20.57.040 Permits issued prior to the effective date of this title.

Where a permit was granted for livestock without any time limitation and/or if the use would not be permitted under the provisions of this title, the use shall be considered a "non-conforming use" under the provisions of this title.

20.57.050 Application for permit.

Each application for a livestock conditional use permit shall be filed with the city on forms provided by the city. An application fee as set forth in the most current fee schedule adopted by the city Chapter 18.02 for a livestock conditional use permit is required at the time of the submittal of the proposal. Reapplication of a livestock conditional use permit is required annually for review by the Planning Commission. The reapplication fee is set forth in the most current fee schedule adopted by the city Chapter 18.02 and is required within 30 days of the application expiration.

20.57.060 Application review.

An application for a livestock conditional use shall be processed according to Type II land use decisions established in Chapter 18.01, Land Use Administrative Procedures. The Administrator may consult with a veterinary professional to determine the adequacy of the conditions described in the application or reapplication and the application and reapplication fees shall include the City's cost for such review.

20.57.070 Violation – penalty.

Any person who violates any term or condition of a livestock conditional use permit shall be subject to a fine in accordance with Section 7.01.020(B). The city may revoke a livestock conditional use permit if any condition contained therein is violated.

Section 5. Repealing Chapter 6.12 Livestock, fowl

Chapter 6.12, Livestock, fowl, is hereby repealed in its entirety.

All persons with livestock or fowl pursuant to existing valid livestock or fowl permits under chapter 6.12 NBMC are hereby determined to be keeping such livestock or fowl as a valid nonconforming use subject to chapter 20.58 NBMC "Non-Conforming Uses, Structures, Lots."

Section 6. Section 20.08.060 Review and filing fees.

Section 20.08.060, Review and filing fees, is hereby repealed in its entirety.


Section 7. Severability.

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 8. Effective Date and Publication.


A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect five days after publication.

PASSED IN REGULAR SESSION this 22nd day of November, 2011.



Don Stevens, Mayor

ATTEST:



John Spencer, City Clerk