



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

06/17/2013

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Hines Plan Amendment  
DLCD File Number 001-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, July 02, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Ramona Hofman, City of Hines  
Gordon Howard, DLCD Urban Planning Specialist  
Grant Young, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

DEPT OF

JUN 12 2013

LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Hines**

Local file number: **31-1**

Date of Adoption: **6/4/2013**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend Sec. 3.1(1)(G) Single Family Residential and 3.2(1)(I) Large Lot Residential to correct two provisions that contradict the historic ordinance allowing regulation of domestic animals within the city limits. Amendments will allow limited livestock, domestic animals, poultry, fowl or bees in back yards, through a permit process with specific regulations. Remove "provided no stable or barn, cattle or other livestock or poultry is maintained in connection therewith" from the current Plan.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **N/A**

Acres Involved:

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

**1**  **2**  **3**  **4**  **5**  **6**  **7**  **8**  **9**  **10**  **11**  **12**  **13**  **14**  **15**  **16**  **17**  **18**  **19**

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

---

DLCD file No. \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

---

Local Contact: **Ramona Hofman**

Phone: (541) 573-2251 Extension:

Address: P.O. Box 336

Fax Number: 541-573-5827

City: Hines

Zip: 97738-

E-mail Address: [rh@highdesertair.com](mailto:rh@highdesertair.com)

---

## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

## ORDINANCE 302

### AN ORDINANCE AMENDING ORDINANCE 51; REPEALING ORDINANCES 61 AND 190, AND ANY INCONSISTENT ORDINANCE(S) REGARDING THE KEEPING OF LIVESTOCK, DOMESTIC ANIMALS, POULTRY, FOWL AND BEES WITHIN THE CITY LIMITS AND NUISANCE ABATEMENT RELATIVE THERETO; AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED by the City of Hines, Harney County, Oregon:

Hines Municipal Code Chapter 6.08 is amended to read:

#### **Section 6.08.010 – Definitions.**

“Animal” means any one of the lower animals, distinguished from humans and including mammals and fowl.

“At large” means off or outside the premises belonging to the owner, keeper or person having control, custody or possession of the animal or fowl, and not in the company of or under the control of its keeper, by means of an adequate leash, rope, pen, cage, coop, vehicle or other means of confinement and immediate supervision.

“Coop” means a small enclosure for housing poultry or fowl, properly ventilated and easily accessed for cleaning and maintenance.

“Current owner” means any person who, at the time of the passage of this ordinance, owns or maintains any animal, fowl or bees within the city.

“Domestic animal” means any animal or fowl conditioned so as to live and breed in a tame environment and normally amenable to human habitats.

“Exempt properties” means property historically and currently used for the maintenance of livestock, domestic animals, poultry, fowl or bees.

“Fowl” means game fowl, land fowl or waterfowl conditioned so as to live and breed in a tame environment or human habitat, typically ducks and geese.

“Bees” means bees maintained for pollenization or honey production.

“Livestock” means cattle, sheep, goats, swine, horses, mules or donkeys kept and maintained within pens, corrals, sheds or wire enclosures.

“Occupant” means a person in possession or control of an affected dwelling. It shall not be necessary to obtain the written consent of more than one such

person in each such habited dwelling. If the dwelling is habitable but vacant, written consent must be obtained from a property owner.

"Poultry" means domesticated birds kept for egg production, meat harvesting or feather collection; e.g., chickens, quail or turkeys, pigeons, doves or pheasants.

"Rooster" means a male member of poultry or fowl genus, over four months old.

"Run" means an outdoor enclosed or fenced area, where poultry or fowl may feed, rest or exercise.

"Wild" means an animal or fowl that normally lives in a state of nature and is not ordinarily tame or domesticated, and usually not amenable to human habitats.

**Section 6.08.020 – Keeping livestock, domestic animals, poultry, fowl or bees within city limits.**

It shall be unlawful for any person to have or keep any livestock, domestic animal (dogs, cats and pet rabbits excepted), poultry, fowl or bees within 300 feet of any habitable dwelling within the city, unless that person is the occupant of the only habitable dwelling within such distance, or has obtained a City permit.

EXEMPT PROPERTY. Property historically and presently used for the maintenance of animals, fowl or bees shall be exempt from the requirement of a permit, provided the keepers of the creatures do not violate Hines Municipal Code governing threat to public safety, noise, animal care and obnoxious odors or smells. Current owners or keepers of animals, fowl or bees under this provision shall be exempt from the permit application provision, barring any violations of HMC, and provided that such parties notify the City of such status within 30 days of the effective date of this ordinance.

Any keeper of livestock, domestic animals, poultry or fowl who has previously obtained permission from the City shall renew such permission by providing the City with the type and number of animal, fowl or bees, and a sketch of the location of their housing and/or enclosures (showing setbacks from property boundaries). Such persons shall also comply with the public safety, maintenance, health and care requirements of the HMC.

Any person pursuing an exception to the prohibition of this section may petition the Council for a permit by first acquiring written consent from occupants of dwellings within 300 feet of the proposed habitat, then filing the application, together with the applicable neighbors' signatures, with the City. If the applicant is a tenant or lessee of the affected property, written permission from a legal owner of the affected property must be included with the application.

The keeping of permitted livestock, domestic animals (dogs, cats and pet rabbits excepted), poultry, fowl or bees must be for non-commercial purposes. Livestock, domestic animals, poultry, fowl or rabbits may not be slaughtered or killed on the permittee's residential property, except as permitted by state law.

A permit will only be issued for a single-family dwelling or duplex. The number of poultry allowed is limited to six (6) female adults and their offspring under the age of four months. No roosters are allowed. Once male chicks are identifiable, they must be removed from the premises. Two of any other kind of poultry or fowl are allowed, in addition to, or instead of, chickens. The number of livestock or domestic animals allowed is limited to two (2), under the age of nine (9) months. The number of bees allowed shall be limited to the industry-recommended number for one hive, for the purpose of producing honey, or for pollenization.

Current owners or keepers may maintain the number of animals, fowl or bees existing at the time this ordinance is passed, provided the keeper has had that number not less than 60 days prior to this ordinance, and has informed the City of that number. If the number of creatures currently exceeds the amount allowed, replacements may not be made, so that attrition will eventually bring the quantity into compliance with this ordinance.

Livestock, domestic animals (dogs, cats and pet rabbits excepted), poultry and fowl must be kept in an enclosure at all times, as appropriate for their containment: corral, barn, fenced enclosure for larger animals; coop and run for poultry and fowl. All buildings, enclosures and food storage under this chapter must be located to the rear of the residence, no less than 10 feet from the property line of abutting neighbors, and no less than 15 feet from any abutting street (for corner lots). New construction must follow all land use provisions.

Housing for permitted animals, poultry or fowl shall not be taller than six feet, or larger than 80 square feet. It must be designed to minimize harmful exposure to weather and predators. Poultry and fowl must have at least two square feet of room per adult in their housing, which shall be no larger than 80 square feet, and less than six feet tall; an enclosed shelter and open run or pen is also required.

Any shed, coop or run built or maintained for animal-keeping under this provision shall be kept in good repair, maintained in a clean and sanitary condition, and free of vermin and obnoxious smells that can carry beyond the property lines. Animal or poultry waste shall be removed regularly, to avoid such intrusion.

#### **Section 6.08.030 – Permit.**

Any person desiring to keep or maintain, within the city limits, any livestock, domestic animal (dogs, cats and pet rabbits excepted), poultry, fowl or bees shall apply to the City for a permit to do so. The applicant is responsible for collecting the signatures of the affected neighbors, as above, filing the application and site

drawing, and appearing before the Council to request the permit. If the applicant is not the property owner, the owner's written permission is required.

The validity of any permit may be reviewed by the City Council at least once every three years, and may be reviewed at any time, in response to a complaint.

Any issued permit may be revoked at any time it is determined by the City that the maintenance of such livestock, domestic animals (dogs, cats and pet rabbits excepted), fowl, poultry or bees has interfered, or may interfere, with the rights of others in the enjoyment of their property, peace, health or safety.

A permit may be denied or revoked for any of the following reasons:

- a) Provision of inaccurate, misleading or incomplete information on the application for, or in connection with, the permit.
- b) Failure to comply with any of the permit requirements.
- c) Permittee's actions present a reasonable doubt as to the permittee's ability to comply with permit conditions, or to keep animals (dogs, cats and pet rabbits excepted), fowl or bees, without endangering or intruding upon the public health, safety or welfare.

#### **Section 6.08.040 – Animals at large.**

It shall be unlawful for any person owning or controlling or having custody of any livestock, wild or domestic animals (cats and pet rabbits excepted), poultry or fowl, to permit or allow the same to run at large within the city limits. Bees, by their very nature, do exist at large. Dogs are not allowed at large (HMC Ch. 6).

#### **Section 6.08.050 – Nuisance.**

If any person fails to obtain a permit as herein provided, or after having obtained such a permit, shall keep or maintain any of said animals, fowl or bees in violation of this ordinance, or in a manner that interferes with the rights of others in the enjoyment of their property, peace, health or safety, such omission(s), act(s) and condition(s) shall be deemed to create a nuisance within the purview of HMC, and may be abated, regulated or punished as provided therein.

#### **Section 6.08.060 – Abatement of nuisance.**

Whenever any nuisance as herein defined shall exist contrary to the provisions of this Chapter, the City shall notify the owner or occupant of the involved property and pursue abatement as provided for in HMC. The cost of the removal or abatement shall be reduced to a money judgment and filed in the circuit court lien docket, and become a lien against and upon the real property where such nuisance exists, and may be collected as such, or according to HMC.

**Section 6.08.070 – Danger to public health or safety.**

No owner or person in charge of livestock, domestic animals (dogs, cats and pet rabbits excepted), poultry, fowl or bees which may become dangerous to the public health or safety shall permit the exposure of such animal or fowl to the public (normal range of bees excepted). If the animal or fowl is exposed to the public, it may be taken into custody at the direction of the City and disposed of in accordance with the procedures provided by ordinance for the disposition of personal property or for the impoundment of dogs. Before the animal or fowl is released by the City, proper precautions must be in place to ensure protection of the public health and safety. Confinement, sale or other disposition will be conducted as provided for by state law.

**Section 6.08.080 – Removal of carcasses.**

No owner or person in charge of livestock, domestic animals, poultry or fowl shall permit the carcass of an animal or fowl to remain upon public property, or to be exposed on private property, for a period of time longer than two days (48 hours).

**Section 6.08.090 – Violation.**

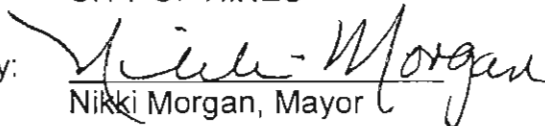
Violation of any section of this chapter is punishable, upon conviction, by a fine of up to \$250; assignment of up to 25 approved community service hours; or a combination of a fine, community service hours and assessed costs. Each day any violation of the provisions of HMC continues may be considered a separate offense. Violation of the provisions of this Chapter shall be punishable as a Class C misdemeanor, as provided for by Oregon Revised Statutes.

Failure to file an application and all written consents with the City, or non-compliance with the requirements of an issued permit, shall be conclusive evidence in any judicial proceeding that such an exception has not been made by the City, and the keeper of such animal, fowl or bees is in violation of HMC.


**EFFECTIVE DATE:** This Ordinance shall become effective 30 days after final passage by the Council and its signature by the Mayor. On the effective date, Ordinance 51 is amended; Ordinances 61 and 190 are repealed.

READ, CONSIDERED AND PASSED by a vote of 5 for and 0 against, this 28th day of May, 2013.

CITY OF HINES

By:   
Nikki Morgan, Mayor

ATTEST:

  
Joan Davies, City Administrator





PO Box 336 • Hines OR 97738



Plan Amendment Specialist - DLCD  
635 Capitol Street NE, Suite 150  
Salem, OR 97301

97301\$2540 C007

