

REVIEWED
BWJ
LEGAL COUNSEL

94-11155

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

MAR 17 AM 10:59
MARY SUE FENHOLLOW
COUNTY CLERK

An Ordinance Amending Title 18 *
To Define Pot-bellied Pigs, *
Regulate them As Domestic Pets *
and Declaring an Emergency. *

0129-0121

ORDINANCE NO. 94-001

WHEREAS, the Deschutes County Planning Commission has conducted a public hearing on the proposed amendment and has made a recommendation to the Board of County Commissioners; and,

WHEREAS, after notice was given and hearing conducted in accordance with applicable law, the Board of County Commissioners have considered the Planning Commission's recommendation; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

NOTE: Language to be deleted is in brackets []; language to be added is underlined and in **bold**.

Section 1. Section 18.04.030, "Definitions," of the Deschutes County Code is amended to amend the definition of "kennel" to read as follows:

"Kennel. A lot or building in which four or more dogs, cats, pot-bellied pigs or other animals at least four months of age are kept commercially for board, breeding, training or sale."

Section 2. Section 18.04.030, "Definitions," of the Deschutes County Code is amended to amend the definition of "livestock" to read as follows:

"Livestock. Domestic animals of types customarily raised or kept on farms for profit or other productive purposes. This definition does not include household dogs, [and] cats and pot-bellied pigs. (Ord. 93-038 ss 1, 1991)"

Section 3. Section 18.04 of Title 18, the Deschutes County Zoning Ordinance is amended to add the definition of "pot-bellied pig" as follows:

KEY PUNCHED

MAR 18 1994

RECORDED
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"Pot-bellied Pig. A swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pig. Such animals shall not exceed a maximum height of eighteen (18) inches at the shoulder."

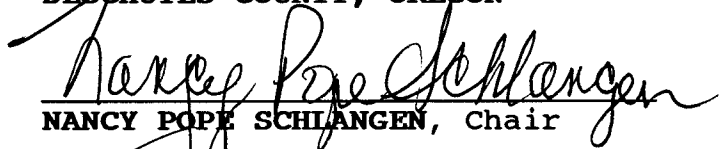
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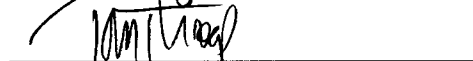
Section 4. In support of its decision, the Board adopts the staff report and recommendations of the Planning Commission, attached hereto as Exhibit "A" and incorporated herein by reference.

Section 5. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATED this 16 day of March, 1994.

BOARD OF COUNTY COMMISSIONERS OF
DESCHUTES COUNTY, OREGON


NANCY POPE SCHLANGEN, Chair


TOM THROOP, Commissioner

ATTEST:


Anita Mutchie
Recording Secretary


BARRY H. SLAUGHTER, Commissioner

**DESCHUTES COUNTY PLANNING DIVISION
STAFF REPORT**

FILE NUMBER: TA-94-7, Ordinance 94-001

PUBLIC HEARING: Board of County Commissioners

TIME: March 16, 1994, 10:00 a.m.

PLACE: Hearings Room "A" Juvenile Justice

APPLICANT: Deschutes County

REQUEST: Amendment Title 18, the Deschutes County Zoning ordinance to define pot-bellied pigs and regulate them in the same manner as domestic pets.

STAFF: Catherine Morrow, Associate Planner

Background

The County Commissioners asked the Deschutes County planning commission to consider the issue of regulating pot-bellied pigs. This request was made following a 1992 code enforcement action in La Pine. A person complained that their neighbor was keeping a pig in the RSC zone and that was not allowed. He alleged that the odor was offensive and the pen had not been cleaned out in 2 years. The case went to court and the judge required that the pot-bellied pig be removed from the property until the county determines that pot-bellied pigs can be regulated as domestic pets.

Glyn Scott, code enforcement officer, reports that there have been a couple of other complaints about pot-bellied pigs in the MUA-10 zone. However, it is not a violation of the MUA-10 zone to keep pigs, so no code enforcement action was taken.

The planning commission conducted a work session on January 13, 1994 to consider alternatives for regulating pot-bellied pigs. The planning commission directed staff to draft an ordinance to define pot-bellied pigs and regulate them as domestic pets.

The material submitted by the Central Oregon Pot-Bellied Pig Association is attached.

Findings

0129-0124

The planning commission conducted a public hearing on Ordinance 94-01 on February 10, 1994. Testimony was presented by Val Houghton, president of the Central Oregon Pot-Bellied Pig Association, and Franz Rulofson the Oregon State University livestock extension agent. There was no other testimony. The planning commission voted to delete a weight requirement from the definition of pot-bellied pig and to forward the proposed ordinance with a recommendation for approval to the Board of County Commissioners.

According to information submitted to the Planning Division from the Central Oregon Pot-bellied Pig Association, numerous jurisdictions have recognized pot-bellied pigs as domestic pets and regulate them as such (a list of jurisdictions is included in the attachment). In Oregon, Portland, Aumsville and Springfield regulate pot-bellied pigs as domestic pets. In Portland the number of pigs is limited to no more than three.

Except for the odor of boars, pot-bellied pigs appear to have less potential for conflict with neighbors than dogs. They do not bark or chase livestock. Few people keep boars. Males kept as pets are neutered.

The ideal size and configuration of pot-bellied pigs are defined by the North American Pot-bellied Pig Association. The maximum acceptable height at the high point of the shoulder is eighteen (18) inches. Defining pot-bellied pigs by height at the shoulder will distinguish them from farm pigs.

Pot bellied pigs are kept as domestic pets, they are not kept as farm animals or livestock as used in the definition of farm use. Farm use as defined by Title 18.04 is: "the current employment of land for the primary purpose of obtaining profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of livestock, poultry, fur-bearing animals or honeybees or for the dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof."

If pot-bellied pigs are added to the definition of "kennel" then a conditional use permit would be required if more than three pigs older than four months are kept on a lot for board, breeding, training or sale. Kennels require conditional use permits in the MUA-10 zone (kennel or animal hospital), RSC zone, (kennel or animal hospital). "Dog kennel" is a listed use in the EFU zone. Uses allowed in the in the EFU zone are specified by ORS 215 and OAR 660-33. Kennels are not listed in other zones in Title 18.