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## **Domestic and Farm Animal Density Rule**

Pursuant to the Nine Mile Ranch Declaration of Covenants, Conditions and Restrictions (CCRs) Article IX, Section 22 and subject to the Definitions at CCRs Article 1:

### **I. Background**

The purpose of this Rule is to not infringe on a single family's right<sup>1</sup> to keep domestic and farm animals for personal use – not otherwise already limited in the CCRs – while simultaneously protecting all other Lot Owners' rights given in the CCRs entitling them to experience Nine Mile Ranch as a residential recreational wildlife refuge, including the various expressed qualities in the CCRs that go along with that experience. The Board of Directors recognizes that the CCRs imply a need for 'domestic and farm animal density' (DFAD) limitations in order to uphold the intent expressed in the CCRs that the Property be orderly developed and maintained as a residential recreational wildlife refuge, and that these animal density limitations need to be adhered to throughout the time the Property is being orderly developed and occupied in order for all Lot Owners – now and in the future – to maintain access to their rights and entitlements expressed in this Section. DFAD refers to the numbers of domestic and/or farm animals kept on a Lot. The Board also recognizes that, beyond the requirements and limitations already expressed in the CCRs, Lot Owners are not required by the CCRs to receive prior permission from the BOD/ACC to keep domestic and farm animals. This Rule therefore honors and incorporates all the considerations discussed in this paragraph.

This Rule is intended to give criteria for all Lot Owners to comply with and for the ACC to Approve density limitations by.

### **II. Responsibility For Compliance and Enforcement**

It is the responsibility of each Lot Owner to comply with the density limitations and criteria below. It is the responsibility of the ACC to promote, using the criteria below, the protection of rights and responsibilities in the Background above through issuing Approvals for DFADs on Lots. The ACC has the right to Approve specific limitations for each Lot's DFAD either before or after a Lot Owner starts keeping animals. However, Lot Owners are encouraged to seek Approval before accumulating animals so they are not inconvenienced by the terms of the Approval if the Approval comes later and is more restrictive than the densities the Lot Owner has already created. Once an Approval is given then the Lot Owner's duty to comply with the Approval begins. This Rule can be enforced per CCRs Article X Section 2, Article IX Section 7, and is subject to the Enforcement Rules and Fines Schedule.

No ACC Approval for Lot DFAD is valid until it is Approved by a majority of the Board.

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<sup>1</sup> Four factors amount to this right: 1) while there are some specific limitations about it, the CCRs do not expressly prohibit it, 2) Article IX/7 expresses the intent that Lot Owners may have farm and domesticated animals, 3) the Second Amendment to the CCRs implies that Lot Owners have to expect to tolerate neighboring Lot Owners with farm animals for agricultural purposes, and 4) all Lots in Nine Mile Ranch are county zoned as "R20", which allows the keeping of farm animals on 20-acre lots by single families.

### III. Criteria

1. Pursuant to applicable Washington state statutes, Washington courts, and HOA governing documents it is the duty of the ACC/Board to make DFAD decisions and Approvals that are reasonable and in good faith, do not impose standards inconsistent with specific covenants, are not arbitrary or made without adequate investigation, and do not impose onerous restrictions on the use of anyone's own Lot.
2. The total number of domestic and farm animals on any Lot must not exceed or be Approved to exceed the following conceptual premises expressed and implied in the CCRs:
  - a. no more or different than what the CCRs already allow.
  - b. no more than an amount adequate for a single family's personal use unless otherwise Approved by the ACC/Board.
  - c. not to affect the wildlife in a negative way, commensurate with how the existing CCR terms have structured Lot usage and occupancy in a residential recreational wildlife refuge. This also includes compliance with CCRs terms regarding protecting wildlife migration and habitat, as well as compliance with fencing and animal restraint requirements stated in CCRs Article IX/4 and IX/7.
  - d. must be compliant with local county zoning land use requirements/limitations.
  - e. must comply with CCRs Article IX, Section 15 and CCRs BACKGROUND.
  - f. must be commensurate with other domestic animals densities and their impacts currently characterized in the CCRs. For example, the CCRs collectively imply that a single family on a Lot has the right to simultaneously keep as many as (5) horses, (2) dogs, and potentially a sustainable domestic animal meat and/or milk source all at the same time *as long as that total density does not violate other terms of the CCRs*. This can be a comparative metric to use when determining the maximum total DFAD that all Lot Owners are entitled to expect to experience on any Lot within the Property, and a metric that the ACC can use for helping to determine and Approve DFADs.

### IV. General

1. No Approval given by the ACC shall be written or construed as a waiver of compliance with any term of the CCRs. No "variance" regarding the keeping of domestic and farm animals shall be issued by the BOD unless it is compliant with the specific reasons for variances stated in CCRs Article VIII.
2. While this Rule does apply to decisions made by the Board regarding commercial enterprises at CCRs Article IX, Section 11, it does not in any way affect the Board having the sole power to allow and approve all commercial enterprises on Lots.
3. Lot Owners may be required to reduce their DFAD if they pursue adding other or changing animal species on their Lots.

Rule adopted by Board of Directors on April 22, 2020.