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Prospective Petition - Local Initiative and Referendum (SEL 370)

This filing is a(n):
Original

Jurisdiction
County (for both county and district offices)

County
Clackamas

Some Circulators may be Paid
Yes

Petition Title
Pasture access for farmed animals on commercial farms

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Enter mailing address where correspondence should be sent:
6930 SE Knight St, Portland, Oregon 97206

Chief Petitioner Information

Chief Petitioner 1

Name
Heather Loechle

Phone
(503) 260-6791

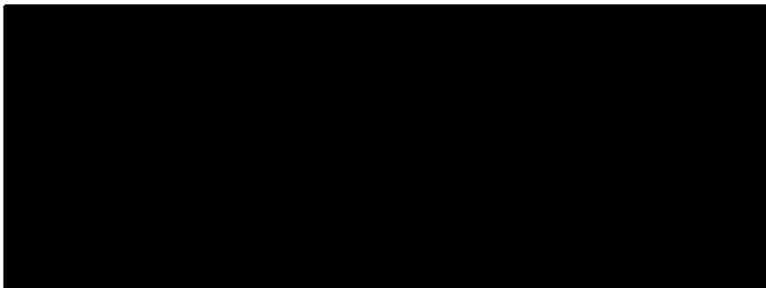
Email
cpamom35@gmail.com

Residence Address
14372 Emily Place, Oregon City, Oregon 97045

Is your mailing address different from residence?
No

Signature

Date Signed
3/11/2025



Chief Petitioner 2

Name
Sarah Motter

Phone
(503) 740-7241

Email
sarahmichellemotter@gmail.com

Residence Address
14669 Stitt Ct, Oregon City, Oregon 97045

Is your mailing address different from residence?

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No

Signature

Date Signed
3/12/2025



Chief Petitioner 3

Name

Zoe Arnesen

Phone

(503) 806-5854

Email

zoe.arnesen@gmail.com

Residence Address

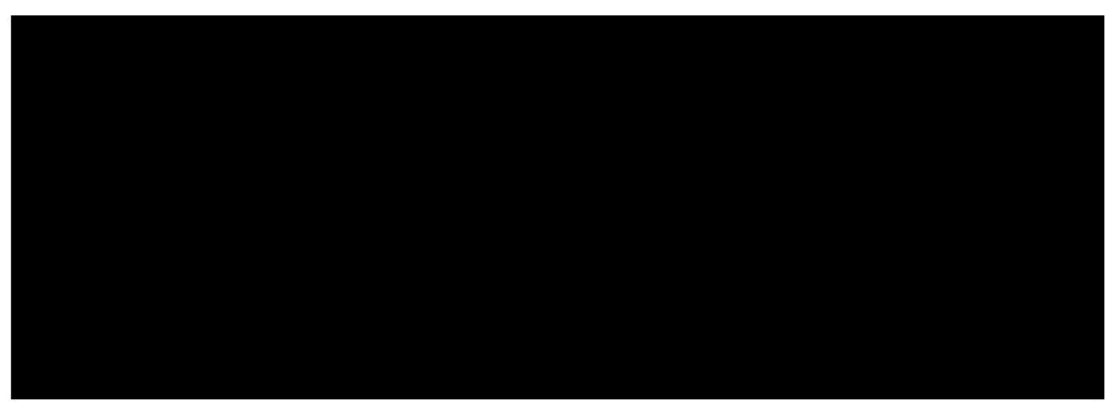
3706 SE Van Water St, Portland, Oregon 97222

Is your mailing address different from residence?

No

Signature

Date Signed
3/11/2025



Received by Elections Division:
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Title

Require pasture access for animals on commercial farms.

Shall Clackamas County require farm animals on commercial farms spend daily time on pasture, with exemptions for weather, disease outbreaks?

This measure requires commercial farms in Clackamas County with annual revenue over \$100,000 to provide pasture or outdoor access for farmed animals for the majority of their lifespan. Existing egg farms are exempt. Temporary exemptions apply for inclement weather, state-declared disease outbreaks (if an alternative outdoor access plan is implemented after 90 days), and individual veterinary care. Farms may use dry lots when pasture access is impractical due to weather or biosecurity concerns. Farms certified by certain third-party certifiers are presumed compliant. Allows lawsuits against the county if it fails to enforce compliance; does not allow lawsuits against individual farms. Larger farms must comply by 2028; all others by 2030. Aims to prevent deaths from disease, preserve water and soil, and promote animal welfare.

Measure

Title 5 of the Clackamas County Code is amended by the addition of a new Chapter 5.02, to read as follows:

Chapter 5.02: Pasture Access Requirements for Farm Animals

5.02.010 Purpose and Scope This chapter establishes animal husbandry standards on commercial farms in Clackamas County to prevent human deaths from zoonotic disease, reduce water and soil degradation, and promote animal welfare. It applies to all commercial animal farms exceeding the size and revenue thresholds outlined in this chapter.

5.02.020 Definitions For the purposes of this chapter, the following definitions apply:

A. Farmed Animals: Animals raised or kept for commercial agricultural purposes, including livestock, poultry, and fur-bearing animals as defined in ORS 609.125.

B. Commercial Animal Farm: A facility where farmed animals are maintained for the purpose of producing meat, milk, eggs, wool, or breeding stock and which generates **\$100,000 or more per year** in gross sales of such produce. Does not include slaughterhouses, auction yards, and facilities used solely for temporary transit or sale of farmed animals.

C. Pasture: An area open to the elements, which may include protective roofing or netting, that sustains vegetation throughout the growing season adequate for all animals utilizing it to

engage in natural foraging behavior. Forage does not need to be the animals' sole or primary source of nutrition.

D. **Lifespan:** The average lifespan typically expected for that animal's species in commercial farms adhering to industry standard practices, as determined by available agricultural data.

E. **Dry Lot:** A designated outdoor area that provides farmed animals with space for movement and natural behaviors when pasture access is temporarily restricted due to weather, biosecurity concerns, or soil preservation needs. Dry lots **do not qualify as pasture** but serve as an acceptable outdoor alternative during temporary exemptions, ensuring that animals continue to have outdoor access when pasture use is impractical. A dry lot must meet the following criteria:

1. Be surfaced with **gravel, sand, wood chips, or other well-draining material** to prevent excessive mud accumulation and maintain hoof health. Concrete is acceptable for dry lots if it is covered over with another bedding material such as wood chips or hay.
2. Be **free of standing water and excessive manure buildup**, ensuring sanitary conditions for animal welfare.
3. Provide **adequate space for species-appropriate exercise and movement** while preventing over-concentration of animals.
4. Be **partially or fully uncovered**, allowing animals access to fresh air and daylight.

5.02.030 Pasture Access Requirements

A. **Mandatory Access:** Commercial animal farms must ensure that all farmed animals in their care spend time daily on pasture for the majority of their lifespan, with the following provisions:

1. Farms may instead provide access to dry lots when pasture access is infeasible due to weather or biosecurity concerns.
2. Farms may rotate animals between pasture areas to allow vegetation recovery and prevent soil degradation, provided animals continue to have access to pasture or a dry lot.

5.02.040 Exemptions

A. **Inclement Weather:** Farms may temporarily restrict pasture access during hazardous weather conditions as defined by the county, including extreme cold, flooding, or seasonal mud conditions that make pasture access temporarily impractical by endangering animal health or degrading soil stability. Muddy conditions caused by routine overuse of enclosures shall not qualify. Farms must provide alternative outdoor space where possible.

B. **Disease Outbreaks:** A commercial animal farm located inside a contagious disease outbreak officially declared by the Oregon Department of Agriculture (ODA) or the United States Department of Agriculture (USDA) may, when following state and federal biosecurity guidelines, restrict pasture access for the species affected for up to 90 days. If the outbreak persists for **more than 90 days**, the farm must implement an **alternative outdoor access plan** that ensures animals can go outside safely while maintaining biosecurity measures. This plan may include **netted enclosures, screened runs, or other protective outdoor spaces** that prevent contact with wildlife.

C. **Medical Needs:** Individual animals may be exempted at the written direction of a veterinarian.

D. **Third-Party Certifications:** Farms certified by the following programs are presumed to be in compliance and are exempt from additional regulation under this chapter:

- (1) Animal Welfare Approved by A Greener World; and
- (2) The Real Organic Project.

E. **Legacy Egg Operations Exempted:** Commercial farms that were operational as of **June 1, 2025**, and whose **primary agricultural product** was chicken eggs, constituting **at least 75% of gross farm revenue** in the 12 months preceding that date, shall be **exempt from the regulations in this chapter**, provided that their total population of laying hens without pasture access **does not exceed their peak flock size during those 12 months**, and that any farmed animals added beyond that peak flock size are handled in compliance with the requirements of this chapter.

5.02.050 Enforcement and Penalties

A. Authority:

The Clackamas County Code Enforcement Division shall have the power and duty to enforce all provisions of this article.

B. Determination:

A commercial animal farm must have **adequate infrastructure** to allow farmed animals to access pasture as required by this chapter. Evidence of non-compliance may include, but is not limited to:

1. **Lack of necessary infrastructure** to provide pasture access. If a farm does not have the facilities required to allow animals onto pasture, this shall be sufficient to establish non-compliance, regardless of whether an exemption was in effect at the time the evidence was collected.
2. **Sustained photographic or video documentation** showing that animals are not provided outdoor access over an extended period when no exemption is in effect.

Additional forms of evidence may also be used to establish a violation. A single instance of animals being confined indoors outside of an exemption does not necessarily indicate non-compliance.

C. Compliance Notification and Penalties:

1. Farms found to be out of compliance shall receive a **written notice** specifying the issue and will be given **60 days to make necessary adjustments** before any fines are issued.
2. If the farm remains out of compliance after 60 days, it shall be subject to **finest of \$1,000 per day per facility**, increasing to **\$5,000 per day** after the first 30 days.
3. If a farm **demonstrates substantial progress toward compliance**, county officials may extend the compliance period by up to an additional **30 days** at their discretion.
4. If a farm remains non-compliant for more than 180 days after receiving notice, the county may seek injunctive relief to compel compliance. Courts may issue an order requiring the farm to take corrective action, cease non-compliant operations, or implement other measures necessary to enforce this chapter.

D. Private Right of Action Against Non-Enforcement

1. Any resident of Clackamas County or nonprofit organization with a stated mission related to animal welfare, public health, or environmental protection may file a lawsuit against the **Clackamas County Code Enforcement Division** if:
 - o The county has received a formal complaint based on reasonable evidence of a violation of this measure; and
 - o The county has failed to take enforcement action within **90 days** of receiving the complaint.
2. Courts may order the county to enforce the measure and may award attorney's fees and costs to prevailing plaintiffs.
3. This section does not grant standing to private individuals or organizations to file lawsuits against individual farms for violations of this chapter. Nothing in this section shall be interpreted to limit any existing legal rights to bring claims under other applicable laws.

5.03.060 Effective Date

This chapter shall take effect on **January 1, 2028** for farms exceeding **\$250,000 in gross revenue**, and **January 1, 2030** for all other covered farms.

5.02.070 Severability If any section, subsection, sentence, clause, or phrase of this chapter is declared invalid or unconstitutional, such decision shall not affect the validity of the remaining portions.