

**MINUTES  
CLARK COUNTY BOARD OF COMMISSIONERS  
JULY 21, 2009, 10:00 A.M.**

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Mielke, Stuart, and Boldt, Chair, present.

**PLEDGE OF ALLEGIANCE**

The Commissioners led the Pledge of Allegiance.

**CONSENT AGENDA**

**ACTION:** There being no public comment or board discussion, moved by Stuart to **APPROVE** consent agenda items 1 through 10. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

**PUBLIC COMMENT**

None

**PUBLIC HEARING – URBAN LIVESTOCK**

**Item Description:** Consideration of a proposed addition of a special uses section of the Clark County Code dealing with Urban Livestock (Clark County Code 40.260.235)

**Department:** Department of Community Planning

**Staff Contact:** Gordy Euler

**Staff Summary:**

Gordy Euler, Department of Community Planning, presented. Mr. Euler explained that in response to a complaint about horses on small acreage in the Vancouver Urban Growth Boundary (UGA), the board appointed the Urban Livestock Task Force to make recommendations on the following issues:

1. The conditions under which livestock within urban growth areas may be kept;
2. The types of facilities that should be allowed in conjunction with urban livestock and under what conditions; and
3. County policy with regard to urban livestock, including but not limited to the definition of “stable,” “agriculture,” “riding stable,” “horse boarding facility,” and “large animals.”

Mr. Euler noted that the Task Force met seven times. They came up with the concept of requiring a livestock plan that would apply in two situations: 1) inside Urban Growth Areas for new livestock uses; and 2) for livestock uses that were ongoing on parcels brought into Urban Growth Areas, if there were three separate and substantiated complaints. Euler outlined the proposed code changes.

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Commissioner Mielke referred to Section 40.260.235(D) and asked if the 20-foot setback was changed from a 50-foot setback.

Euler responded that it was changed from a 5-foot setback. He concluded that the ordinance encourages any livestock owner to consult with the WSU Extension service and/or the Clark Conservation District for information on livestock management.

Commissioner Stuart asked Linda Moorhead, Community Development, about the three complaints rule being the trigger for establishing a livestock plan. He asked her if it would make sense that three different individuals would need to call as opposed to one person, who may have a conflict with their neighbor.

Linda Moorhead, Manager, Animal Protection and Control, stated that it's three different complaints from three different households, which is what they do in the Animal Control Ordinance.

**Comments from the public:**

- 1) Lloyd Gelentere stated that the nuisance laws needed to be strengthened.
- 2) Mark Jager said he didn't want to see homeowners restricted from keeping small livestock, especially with the current economy.
- 3) Sarah Brown was opposed to the proposed changes, which would affect children who are involved with 4-H. She asked that the county exempt non-profit organizations like 4-H from review and permit for buildings and livestock, and eliminate the three-complaint rule.
- 4) Ben Lester asked for clarification regarding building permits for urban livestock. Mr. Euler said the wording is awkward and he explained that you could build a building without a permit and it would still be legally permitted.
- 5) Peggy Gresham, President, Clark County 4-H Leaders Association, suggested clarifying the code language pertaining to urban livestock buildings being legally permitted so it's not so confusing. She expressed concern for how the proposed changes might affect 4-H.
- 6) Bruce Scott wondered what brought this issue about. Commissioner Stuart explained that boundary adjustments had created issues resulting in neighbor-driven complaints related to smell, vermin, and poor management.
- 7) Glenn Grossman had several clarifying questions related to the proposed code. Mr. Grossman submitted a petition to the board, which generally expressed concerns and fears related to the proposed changes. [The board, staff, and Mr. Grossman further discussed the code language.]
- 8) Jim Carlson said because this pertained to inside the Vancouver Urban Growth Area, there was the possibility of annexation. He recommended that the county work with the City of Vancouver to come up with new combination zoning that makes sense for people who might possibly be annexed.

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- 9) Tom Gibson expressed concerns with the code creating an endless stream of complaints by people who are prone to do so, as well as creating impediments to people to provide for themselves. He expressed opposition to the proposed code.
- 10) Art Stubbs, Task Force member, thanked the board for addressing this issue. He said he felt that concerns the board had in terms of the original complaint had been addressed by the Task Force.
- 11) Velma Conte, Vancouver Farmers' Market, commented on the benefits to her family of owning and caring for their animals. Mrs. Conte added that if people complain about chickens, it's no different than someone moving near train tracks or an airport and then complaining about the noise.
- 12) Fred Fry, Vancouver Farmers' Market, expressed concerns about the best management practices and three-complaint rule.
- 13) Jody Benson suggested the proposed code language with regard to permitting Ag buildings be clarified. Also, she said the process for the livestock plan needed to be better explained.
- 14) William Zimmerman pointed out that if a person planned to remain a farmer and did not have a development proposal, they wouldn't be affected. Also, regarding the three-complaint rule, he emphasized that the complaints would need to be three verified complaints and then people would be able to develop their own management plan. Nevertheless, Mr. Zimmerman said people need to be critical of future Urban Growth Boundary expansions.
- 15) Courtney Miskell, President, Royal Spurs 4-H Club, expressed concern about the possible effects the proposed changes could have on 4-H.
- 16) Sophia Howard stated that what makes Clark County different is it's rural setting and they need to be cautious so that farmland isn't forced out.
- 17) Steve Valenta asked that the language be further clarified. He also felt it was important to distinguish between chickens and rabbits and large livestock, which are bigger, louder and messier.
- 18) Sunrise O'Mahoney said she hoped the county would want to encourage new use and new agriculture and not place limitations that make it difficult for new Ag to come in. She wanted to know what the next steps were in this process and Commissioner Boldt said the board would decide by the end of the meeting.
- 19) Anne Lawrence asked questions about permit fees and also about how folks who want to have chickens and a small CSA (Community Supported Agriculture) would put in a best management practices plan—how would it be administrated and how would fees be taken care of? Commissioner Boldt said people will make their own plans and there is no cost. Ms. Lawrence wanted to know what would happen after three complaints. Commissioner Stuart responded that if people are executing their plan, then there is no complaint.
- 20) Gary Boldt wanted to know if the Right to Farm Act would be taken care of in the proposed code before it's completed so that farmers are covered under that category. Mr. Boldt also wondered exactly how the three-complaint rule would work. Gordy Euler said complaints would go to Code Enforcement. Mr. Boldt felt it would be best to have Ag-oriented people responding to complaints because they understand

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farming. Commissioner Stuart said as far as the Right to Farm Act, they do have that in place; however, it's spread out so far within the code that there's no one place to look and educate people as to what they are actually protecting—that's the work of consolidating the law. [There was brief discussion regarding enforcement.]

- 21) Barbara Thomas, President, Trail Riders Association, expressed concern about splitting the livestock into "small" and "large" categories and the 20-foot setback. Ms. Thomas noted that she works for the City of Vancouver Building Department and had answered the code complaint line and she suggested there should be clear-cut rules about when to take action against someone with animals.
- 22) Greta Lavadour, Clark County Food System Council, commented that they were opposed to any regulations that would prohibit people from producing food for their families. She added that they should have another chance to look at the language because there's a lot of ambiguity.
- 23) Phil Thompson commented that he thought the big issue was how to avoid creating complaints. He felt there wouldn't be an issue if they weren't allowing the kind of development they are and they need to decide whether they are going to keep rural areas as they are.
- 24) Chris Mathews referenced Attachment 2, D.3 – "All buildings used for urban livestock shall be legally permitted," and said it should be struck. Mr. Mathews asked about the three-complaint rule and Commissioner Stuart explained that three complaints must come from three distinct households. Mr. Mathews stated that the approval process wasn't laid out and he suggested the language be reviewed and greatly simplified.

[5-minute break in the Public Comment.]

**Discussion:**

Chair Boldt asked that they take some time for discussion before Commissioner Stuart needed to leave. Commissioner Stuart said they had spoken to several changes that needed to be clarified, the first one being that the applicability is only for new agricultural uses involving livestock, not existing agricultural practices. The second issue was that they strike D.3. – "All buildings used for urban livestock shall be legally permitted," because it is unclear and they don't require permitting for Ag buildings. Commissioner Boldt stated that he wanted to make sure Ag buildings were allowed in the zone also. Commissioner Mielke asked if the setbacks still pertained and Stuart said yes, there would be a 20-foot setback for new agricultural activities. Boldt noted that there were only two counties without permits and he wanted to make sure they stay that way. Stuart referenced the three-complaint enforceability under G.1 and suggested clarifying language to say – "Three separate and substantiated complaints from three separate households..." Also, he suggested adding a third item to G. Enforceability as follows – "3. Once a plan is in place, if a further complaint occurs, so long as the management plan is being followed, no further action will be taken."

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Commissioner Boldt noted that the next time they were going to act on this was their next nightly hearing. He asked the board if they were okay with making those recommendations to be posted on the web, as well as send to the Farm Bureau and Executive Forest Council for their comments. Commissioner Stuart said that was a great idea.

[Public comment resumed.]

- 25) Summer Steenbarger referenced the Right to Farm Act, as well as the Agricultural Preservation Strategy Report that supports farming. She expressed concern that the ordinance may be covering issues that are already covered under another ordinance or regulation and she was also concerned about the wording of the proposed code.

**ACTION:** Moved by Stuart to **CONTINUE** the hearing for Urban Livestock to October 6, 2009 at 6:00 p.m., Commissioners' Hearing Room, 6<sup>th</sup> Floor, Public Service Center. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

[Public comment resumed.]

- 26) Glen Slaydon had a question about the boundary of a parcel along I-5.  
27) Marija Hobbs commented on the community garden at the WSU site and possible future uses, such as educational Ag facilities and dairy for cheese making. She was concerned that the land not be compromised by the proposed code.  
28) Alison Cooper-Williams expressed concern about having to give up her small livestock and wanted some clarification regarding small and large livestock. Also, she said she has a portable chicken coup and wondered how that might be inspected.

**PUBLIC HEARING – RESTRICTED FIREARMS DISCHARGE AREAS**

**Item Description:** Consideration to amend Title 9 Public Peace, Safety, and Morals

**Department:** Department of Community Planning

**Staff Contact:** Jose Alvarez

**Legal Council:** Christine Cook, Prosecuting Attorney's Office

[Commissioner Stuart absent.]

**Staff Summary:**

Jose Alvarez, Department of Community Planning, went over the proposed changes as outlined in Exhibit A of the staff report and overhead maps (see hearing file). First, under 9.12.026(1), the December 6, 1995 date was stricken because that date reflected the last map update. A new date will be added to the map as they go forward. Secondly, in the last sentence of 9.12.026(1) pertaining to roadways, the following language has been modified to strike "no shooting or limited shooting" and change it to "most restrictive." Under 9.12.026(2), subsection (B) has been stricken because that area has been annexed

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by the City of Camas. Mr. Alvarez referenced the maps and stated that for Hockinson High School they were proposing a school security area of 600 feet surrounding the school property.

Commissioner Boldt asked if the elementary schools outside the Urban Growth Boundary would be affected by this. Mr. Alvarez said no. Commissioner Boldt asked legal council if they would have to re-notice the hearing if they were to add the elementary schools. Christine Cook, Prosecuting Attorney's Office, said she would be hesitant in adding further restricted areas without re-noticing.

**Comments from the public:**

- 1) Glen Slaydon stated that he shoots his rifle to scare coyotes away from his livestock, but he would be prevented from doing that under the proposed changes. Mr. Alvarez noted that there is an exception in the ordinance that allows for shooting at predatory animals even in a no-shooting area.
- 2) Shawn Pryor stated that there is a lot of shooting in the area where he lives, which is near Jones Creek Recreational Area. He said people shoot at 2:00 a.m. in the morning, leaving spent casings and trash, and it was just a matter of time before there's an accident. He wanted to know the process for requesting a no shooting zone where they live. Mr. Alvarez explained the process.
- 3) Beverly Pryor commented that there is shooting in the area 24/7. She said they don't want to restrict shooting all the time; they just want it to be safe for people.

**Discussion:**

Commissioner Mielke wanted to make a motion that they accept the proposed changes, with an amendment to increase the school security area surrounding Hockinson High School to 2,000 feet. County Administrator Bill Barron stated that they would need to re-notice. Ms. Cook added that the original notice was sent to households within the 600 foot boundary and she would advise re-noticing if the board's intention was to move the zone outward. Commissioner Boldt said he was in favor of the 600 feet. Mr. Barron stated that the board could continue the hearing to a date uncertain and then re-notice if necessary. Also, he would schedule time to discuss the issue during Board Time.

**ACTION:** Moved by Mielke to **CONTINUE** the hearing for Restricted Firearms Discharge Areas to a date uncertain in the Commissioners' Hearing Room, 6<sup>th</sup> Floor, Public Service Center. Commissioners Boldt and Mielke voted aye. Motion carried.

**COMMISSIONER COMMUNICATIONS**

There were no comments.

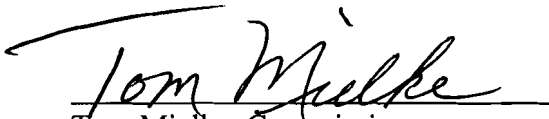
Hearing adjourned

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BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Marc Bolat, Chair

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Steve Stuart, Commissioner

  
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Tom Mielke, Commissioner

ATTEST:

  
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Louise Richards  
Clerk of the Board

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Please Note: The Board of Commissioners' minutes are action minutes. Digital recordings can be provided upon request. In addition, the Commissioners' hearings are broadcast live on CVTV, cable channels 21 and 23, and are also videotaped and repeated several times ([www.cvtv.org](http://www.cvtv.org))