



Clark County Planning Commission

Steve Morasch, Chair
Ron Barca, Vice Chair
Robin Grimwade
Bill Wright
Karl Johnson
Richard Bender
Matt Swindell

CLARK COUNTY PLANNING COMMISSION MINUTES OF PUBLIC HEARING THURSDAY, FEBRUARY 16, 2017

Public Services Center
BOCC Hearing Room, 6th Floor
1300 Franklin Street
Vancouver, Washington

6:30 p.m.

CALL TO ORDER & ROLL CALL

MORASCH: All right. Well, welcome to the February 16, 2017, Planning Commission hearing. I'll call the hearing to order. Can we get a roll call.

BENDER: HERE
GRIMWADE: HERE
JOHNSON: HERE
SWINDELL: ABSENT
BARCA: HERE
WRIGHT: HERE
MORASCH: HERE

MORASCH: All right. Thank you. And I'd like to introduce Robin Grimwade -- did I say that right?

GRIMWADE: Yep.

MORASCH: -- our newest member of the Planning Commission. Welcome aboard.

GRIMWADE: Thank you.

GENERAL & NEW BUSINESS

A. Approval of Agenda for February 16, 2017

MORASCH: With that, we'll go to new business, approval of the agenda. Do we have any changes to the agenda? If not, I'd take a motion to approve.

JOHNSON: Motion to approve the agenda.

BENDER: Second.

MORASCH: It's been moved and seconded. All in favor?

EVERYBODY: AYE

MORASCH: Opposed? All right. Motion carries.

B. Approval of Minutes for November 17, 2016

MORASCH: Has everyone had a chance to look at the minutes, and if so, I would take a motion to approve the minutes?

WRIGHT: So moved.

JOHNSON: Second.

MORASCH: It's been moved and seconded. All in favor?

EVERYBODY: AYE

MORASCH: Opposed? All right. The minutes are now approved.

C. Communications from the Public

MORASCH: Now we're at communications from the public. This is the time for anyone in the audience who would like to testify about a matter that is not on our agenda, now is the time to come forward.

All right. Seeing no one, we will move on to our public hearing, prohibit nuisance fowl within the urban growth boundary of the City of Vancouver. And staff, Paul Scarpelli, are you ready for the staff report?

SCARPELLI: Absolutely.

MORASCH: All right. Please proceed.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

A. PROHIBIT NUISANCE FOWL WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF VANCOUVER

The Planning Commission will consider staff recommendations on amendments to Clark County Code Section 40.260.235 regarding the prohibition of roosters, peacocks and turkeys within the city of Vancouver's Urban Growth Boundary.

Staff Contact: Paul Scarpelli, 397-2375, Ext. 4705
Email: paul.scarpelli@clark.wa.gov

SCARPELLI: Good evening, Commissioners. I'm Paul Scarpelli. I manage both Animal Control and Code Enforcement for Clark County.

As the Chair mentioned, we are here tonight to discuss the prohibition of animals specifically in the land use code for Clark County Title 40.260.235 titled urban livestock. Too fast?

HOLLEY: No. I'm having a hard time hearing you.

SCARPELLI: Clark County land use code does not currently restrict owning poultry in most zones in the county. As residential in-fill, smaller lot sizes and general population growth has been occurring, the number of complaints about noise from poultry fielded by both Clark County Code Enforcement and Clark County Animal Protection Control has increased as well.

The City/County line is nearly impossible to discern when leaving the City of Vancouver and entering into unincorporated Clark County. The streets look the same, the houses look the same and the density is very similar. Staff's discussions with citizens routinely find them of the belief they reside within the City of Vancouver where roosters, peacocks and turkeys are already restricted.

As the United States is also seeing an increase in recycling, sustainability, green living and farm-to-table, more and more citizens are moving towards home gardens, backyard beehives and poultry husbandry. Owning rooster, peacocks and turkeys then lead neighbors to be concerned about noise, smell and fear of the birds themselves, should they leave the owner's yard.

The restriction to be discussed here is a land use issue and we need to align the County's land use code Title 40 with identical code restrictions already approved by the Board of County Councilors within Title 8, the animal code back in last November. So if you have any questions or discussions, I'd be happy to handle that.

MORASCH: All right. Anyone have questions? No questions.

PUBLIC Testimony

MORASCH: Okay. At this point, I'll open it up for a public hearing. We don't have anyone on our sign-up sheet. Is there anyone in the audience who would like to provide testimony on this matter?

RETURN TO PLANNING COMMISSION

MORASCH: All right. Seeing no one, we will now close the public hearing and I will turn it back over to the Planning Commission. Does anyone have any other questions or deliberation? If not, I would take a motion.

BARCA: I think Richard brought up a valid point in the work session in the idea that the Vancouver urban growth boundary includes quite a bit of rural land and not all of it is encumbered with tight density residential. And even though we already have this in a portion of our code and enforcement is based on complaint-driven decisions only, I would like a consideration about residences that are on larger acreage still and whether or not it's valid for them to still have more of the farm atmosphere, which would include the idea of the prohibited fowl and I'm wondering how the rest of the Commission feels about that.

MORASCH: Well, Bill, I think it was Bill that brought that up.

BARCA: Oh, I'm sorry. I credited perhaps the wrong Commissioner. My apologies.

BENDER: That's okay.

MORASCH: Maybe Richard has that same concern. We'll let Bill respond and then Richard and then anyone else.

WRIGHT: Though I appreciate you mentioning the discussion we had, and I think my major concern was if there were any folks out in the urban holding areas that may not actually be urbanized for another 5, 10, 15 years, and I was satisfied with staff's reply that this was really a complaint-driven restriction, that it's not like there's a poultry SWAT team out there looking for errant birds keeping people awake, and, you know, it may be a slight imperfection in not having the law absolutely align with everyone's wishes here, but I think the reality of it if it isn't enforced and it isn't causing people hardship in that manner, it's probably as good as we're going to get. So I'll be happy to support the motion.

MORASCH: Richard, did you want to respond to that or let us --

BENDER: No. I have a question, though. We're just talking about three types of birds; is that correct?

SCARPELLI: Yes.

BENDER: So that would be the turkey, the peacock and the rooster?

SCARPELLI: Correct.

BENDER: Thank you.

MORASCH: I actually have a question for legal counsel now that I'm up here looking at this and thinking about it. I probably should have asked you during the work session, but it just dawned on me. If I'm a person who's on one of these urban holding lots, as Bill mentioned, and I'm already raising prohibited animals and was doing so prior to the Title 8 amendment that just occurred last year, am I going to have a nonconforming use right to continue raising that type of an animal?

RICHARDSON: I'll be honest, we haven't considered that question yet and I probably couldn't answer that at this time. I'd probably need to research it just a little bit more, being that this was very recently passed under Title 8 and it also deals with possibly with this type of animal with the agricultural exemption. So I would have to take a look into that before commenting on it on the record.

MORASCH: All right. That's fair enough.

BARCA: And for the record, sir, you are?

RICHARDSON: Ah, sorry. For the record, my name is Bill Richardson, counsel on behalf of Code Enforcement.

MORASCH: Anyone else have any questions for Mr. Richardson while he's at the podium? All right. Thank you.

RICHARDSON: Thank you.

BARCA: Okay. So I brought up the question, but I heard Bill's response, and not hearing anything else from any of the other Commissioners, we're going to work with the no call, no fowl kind of problem here. All right. Yeah. Gordy told me to say that.

MORASCH: All right. Any other comments?

BENDER: I want to go back to the animals again that are part of the agenda tonight. I think personally feeling that wild geese -- not wild geese -- but domesticated geese can make a hell of a lot of noise too, so I would like to see them applied to the same ordinance.

BARCA: Oh, you're proposing to add animals?

BENDER: Add the animal, the goose.

BARCA: And what about donkeys?

MORASCH: The geese and the ganders or --

BENDER: The male species.

MORASCH: Just the males?

BENDER: The males.

MORASCH: Okay. Because that's important because as I read this, turkeys, it applies to both the males and the females, but the peacocks and the roosters, it only applies to the males. So if you're going to add animals, I think we need to specify, are you only adding the males or are you adding the males and the females.

BENDER: Okay. I won't be gender specific.

MORASCH: So all geese.

BENDER: All geese that are domestic.

COOK: You don't have a motion on the floor yet --

MORASCH: No. We're just deliberating.

COOK: -- so it can't be amended.

MORASCH: So somebody would have to add that in when they make the motion. Yeah. No, we understand that. Yeah. Any other deliberation or questions for -- she's shaking her head, don't ask her any questions.

BARCA: I do think what we're seeing, though, is this is an effort to be as compatible with the City of Vancouver as possible and certainly there are other noise-generating animals, and, Richard, I appreciate your concern about geese, but Gordy and I were actually talking about other animals earlier and guinea fowl or one that can be problematic, and then braying donkeys and so forth and so on. It's --

MORASCH: And dogs can be, I mean --

BARCA: Well, yeah. Dogs get a pass, I think, because we don't consider that a farming issue.

MORASCH: It's not a farm animal, no, but they can be pretty annoying when you've got a neighbor --

BARCA: Horrible.

MORASCH: -- whose dog is barking at 2:00 in the morning.

BARCA: Yeah.

SCARPELLI: So if I may, the Vancouver Municipal Code Section 20.895.050 is Domestic Animals and Livestock and No. 5 there defines Poultry and Rabbits. I'll just read it to you. "The keeping of chickens, ducks, geese, domesticated hare or rabbit, and similar animals is permitted with no required minimum lot size. No turkeys, peacocks, or roosters are permitted." So that is the basis upon which we drafted our proposal for our County Title 40 changes.

MORASCH: Okay. And just to be clear, you're reading from the Vancouver ordinance?

SCARPELLI: Vancouver Municipal Code.

MORASCH: And we drafted ours to be consistent with theirs.

SCARPELLI: Yes, because it's -- we're talking about Vancouver's urban growth boundary.

MORASCH: Okay. Any other questions or does somebody want to make a motion? And if you make a motion, make sure that you are specific as to whether or not you're including geese.

JOHNSON: I'd like to make a **MOTION** that we simply accept staff recommendations to the revision to Clark County Land Use Code Section 40.260.235 regarding roosters, peacocks and turkeys or the restriction thereof.

WRIGHT: **Second.**

MORASCH: All right. It's been moved and seconded. Any discussion on the motion? Hearing none, we will have a roll call.

ROLL CALL VOTE

WRIGHT: AYE
BENDER: AYE
GRIMWADE: AYE
JOHNSON: AYE
BARCA: AYE
MORASCH: AYE

MORASCH: All right. And so it carries unanimously. Thank you very much.

OLD BUSINESS

None

NEW BUSINESS

MORASCH: That brings us to the rest of our agenda, which is old business and new business. I don't believe we have any comments from the Planning Commission. Any other comments before we adjourn? All right.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

None.

ADJOURNMENT

MORASCH: Well, thank you all for coming. And with that, we will adjourn the Planning Commission hearing. Have a nice evening.

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at:

<https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Proceedings can be viewed on CTV on the following web page link:

<http://www.cvtv.org/>

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