

OCT 7, 2020
cc'd: Council

Rebecca Messinger

From: Mitch Nickolds
Sent: Thursday, October 1, 2020 5:08 PM
To: Private email
Cc: Susan Anderson; Rebecca Messinger
Subject: RE: Equestrian Facilities

Good Afternoon,

Thank you for your comments and observations regarding equestrian facilities in Clark county, which will be included as feedback in our public participation process, and thank you for making contribution to Clark County's public participation process important for you and those you may represent. Do you also desire to participate as a speaker during the public participation event on October 7th? We will be pleased to include you.

Please advise, and thank you again.



Mitch Nickolds
Director
CODE ADMINISTRATION DEPARTMENT

564.397.4052
Mitch.Nickolds@Clark.wa.gov



From: Private email <gramatky502@gmail.com>
Sent: Thursday, October 1, 2020 3:51 PM
To: Mitch Nickolds <Mitch.Nickolds@clark.wa.gov>
Cc: Susan Anderson <Susan.Anderson@clark.wa.gov>; Mitch Nickolds <Mitch.Nickolds@clark.wa.gov>
Subject: Equestrian Facilities

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I am an avid equestrian and former owner of a commercial equine facility in Oregon. While I am a huge advocate for protecting equestrian facilities and opportunities for residents to enjoy horses in Clark County, I am equally gobsmacked at the lag of professionalism of barn owners and the dangerous risks they routinely take. I am in full support of efforts by the county to regulate equestrian

facilities and their owners to ensure that these facilities are safe for both riders and their horses while also reducing the impact on the natural environment and high risk. We operated a high volume commercial public facility that was managed profitably to the letter of the law, so it can be done.

Below are my thoughts regarding topics

1. **Building requirements** (e.g. setback distances, storm drainage, occupancy limits, etc.)
 - Proper ventilation for the safety of horses
 - Proper hay storage (separate from hay barn to reduce risk of fire)
 - Fire safety - overhead sprinklers, extinguishers, evacuation plans and
 - Handwashing sinks/stations for sanitation and public health concerns - COVID, etc. (many barns have portapotties but no sinks)
 - Fencing must be safe both keeping horses penned and uninjured (plastic or PVC fencing is not safe or suitable for penning horses this is a safety issue for horses, drivers, and neighbors if horse get out)
 - Don't think soundproof builds are realistic - noise annoyances can be handled by requiring setbacks, limiting horse as per acreage and zoning (some equestrian facilities are in residential neighborhoods).
2. **Private vs. Public Use** (e.g. requirements, standards, etc.)
 - Any barn with commercial activities such as riding lessons, boarding horses, clinics, parties, etc. should be registered as a business and comply with regulations accordingly.
 - Must report income, pay taxes, observe state employment requirements
 - MUST HAVE ADEQUATE LIABILITY INSURANCE, waivers, and signage
 - Equestrian facilities should be zoned agricultural and not residential.
3. **Operational impacts** (e.g. noise, odor, dust, traffic, etc.)
 - manure management to reduce smell, runoff, flies, and other vermin. Composting would be ideal (Oregon provides some state assistance to horse facilities that compost). Manure piles should be
 - limit the number of horses as per acreage - to avoid soil erosion and environmental degradation. Best practice dictates one horse per acre; this could probably be increased as long as pastures can be rotated to preserve soil.
 - setbacks from property lines - many facilities put horses or riding arena up to property lines; this is unpleasant for neighbors and can be dangerous for riders if horses are spooked by a neighbor in close proximity going about their regular activities such as yard work and
4. Other (e.g. definitions, etc.)

Thank you for your attention to this matter.

Margaret Gramatky

Oct 6, 2020 celd: Mitch Nickholds

Rebecca Messinger

From: Kathleen Otto
Sent: Tuesday, October 6, 2020 1:29 PM
To: Tina Redline; Rebecca Messinger
Subject: FW: EQUESTRIAN MEETING 10/7



Kathleen Otto
County Manager

564-397-2458



From: susan rasmussen <sprazz@outlook.com>
Sent: Tuesday, October 6, 2020 12:45 PM
To: Temple Lentz <Temple.Lentz@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Subject: EQUESTRIAN MEETING 10/7

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FOR THE PUBLIC RECORD

Clark County Citizens United, Inc. is concerned over the very limited opportunities for the public to participate in the Oct. 7, 2020 Equestrian Facilities Public Participation Event. CCCU recognizes we are living and functioning in unprecedented times, but public participation remains a critical element of county government.

Items of concern:

1. The event is primarily a "listening" event
2. The public's participation is restricted to 30 speakers
3. Extreme measures must be taken if a citizen desires to participate
 - In order to speak, the person must first sign up at a designated web site. One is not able to access the site by simply clicking on the underscored web address on the Special Meeting Notice. Participants are required to sign up *during the event* at <https://clark.wa.gov/code-administration/rural-equestrian-facilities-public-participation-event>. This is a limitation and handicaps those without internet access.
4. After submitting the address, county staff will then contact those who wish to sign up to speak .
5. Participants are asked to reference 1 of 4 listed topics they intend to speak on during the event.
 - Similar to the 30 participants, this also sets limitations.

6. Omissions from the list of 4 topics for discussion are noteworthy:

- There are no items listed for discussion that reference any impacts to the culture of the people; economic and social impacts.
- There are no items listed for discussion that reference the importance of the ability for people to make lifestyle choices
- There are no items listed for discussion that reference the historical significance of the Equestrian Community to Clark County.
- There are no items listed for discussion that reference the importance of the Equestrian Community to Clark County's rural character, as referenced in the state's GMA.
- There are no items listed for discussion that reference the importance of the Equestrian Community to the rural economy and jobs.

I hope the Board recalls the Council hearing last February, when the entire room was filled with emotional members of this community. It was a noteworthy hearing, for sure. With that in mind, I ask if the limitations of 30 participants is reasonable?

Thank you for your work,
Susan Rasmussen
Clark County Citizens United, Inc.

10/7/20 CCD: Council

Rebecca Messinger

From: Mitch Nickolds
Sent: Monday, October 5, 2020 5:05 PM
To: Melissa Sutton
Cc: Rebecca Messinger
Subject: RE: Attn: Code Administration-Equestrian Feedback_CCPH comments

Thank you for the comments and feedback. Your information will be included in the feedback received during the public participation project.



Mitch Nickolds
Director
CODE ADMINISTRATION DEPARTMENT

564.397.4052
Mitch.Nickolds@Clark.wa.gov



From: Melissa Sutton <Melissa.Sutton@clark.wa.gov>
Sent: Monday, October 5, 2020 4:38 PM
To: Mitch Nickolds <Mitch.Nickolds@clark.wa.gov>
Cc: Brian Schlottmann <Brian.Schlottmann@clark.wa.gov>; Chuck Harman <Chuck.Harman@clark.wa.gov>; Janis Koch <Janis.Koch@clark.wa.gov>; zoppenheimer@clarkcd.org; 'Riedmayer, Jennifer (ECY)' <jrie461@ECY.WA.GOV>
Subject: Attn: Code Administration-Equestrian Feedback_CCPH comments

To Whom it May Concern:

Clark County Public Health staff have been notified that Clark County is reviewing policy as it pertains to rural equestrian facilities. CCPH is supportive of clarifying land use language regarding setback distances, storm drainage, occupancy limitations etc. and ensuring the facilities operate in a manner that minimizes noise, odors, dust, traffic etc.. CCPH would like to further ensure facilities have adequate plans to specifically ensure proper solid waste (i.e. manure/animal bedding) management to minimize odors, vectors and environmental public health concerns (i.e. *ground water contamination, surface water contamination, well head protection, protection of any onsite septic system and/or reserve areas, leachate management etc.*). Additionally, CCPH would like to ensure provisions are in place to address animal mortality to prevent an imminent public health concern.

Sincerely,



Melissa M. Sutton
Environmental Health Specialist II
PUBLIC HEALTH

564.397.8167

NOTE: To meet with staff – appointments are strongly encouraged.



Stay safe, healthy & keep washing your hands!

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From: Rostorfer, Devan (ECY) <dros461@ECY.WA.GOV>
Sent: Monday, October 5, 2020 9:15 AM
To: Ultican, Shawn (ECY) <sult461@ECY.WA.GOV>; Riedmayer, Jennifer (ECY) <jrie461@ECY.WA.GOV>
Subject: rural equestrian public participation event- Clark County

Thought you might be interested

<https://clark.wa.gov/code-administration/rural-equestrian-facilities-public-participation-event>

Devan Rostorfer - Water Quality Implementation Specialist - TMDL Lead
Washington State Department of Ecology | Southwest Regional Office | Water Quality Program
Vancouver Field Office - 12121 NE 99TH Street, Suite 2100, Vancouver, WA. 98682
Mobile: 360-409-6693 | **Email:** devan.rostorfer@ecy.wa.gov

[East Fork Lewis River Partnership](#) | [East Fork Lewis River Partnership Meeting Materials](#)



Rebecca Messinger

From: Kathleen Otto
Sent: Wednesday, October 7, 2020 4:06 PM
To: Rebecca Messinger; Tina Redline
Subject: FW: Rural Equestrian Facilities public hearing - FOR THE PUBLIC RECORD



Kathleen Otto
County Manager

564-397-2458



From: Carol Levanen <ccuinc@yahoo.com>
Sent: Wednesday, October 7, 2020 4:03 PM
To: Eileen Quiring O'Brien <Eileen.QuiringOBrien@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; John Blom <John.Blom@clark.wa.gov>; Julie Olson <Julie.Olson2@clark.wa.gov>; Temple Lentz <Temple.Lentz@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Mitch Nickolds <Mitch.Nickolds@clark.wa.gov>
Subject: Rural Equestrian Facilities public hearing - FOR THE PUBLIC RECORD

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

- Dear Councilors,

It appears the text format for the first October 7, 2020 hearing on the Equestrian Plan is asking the public to provide input over these three topics and any other comments one may have. Clark County Citizens United, Inc. will attempt to provide a few thoughts and concerns over these items, but there is so much more regulation that is associated with the Equestrian Plan that should be changed. CCCU is offering the following comments.

1. Building requirements (e.g. setback distances, storm drainage, occupancy limits, etc.)

Building requirements for horse housing should be the same as for any other agricultural animal use or commodity. Setbacks should be no different than any other agriculture venture. Storm drainage would depend on the size of the lot. As long as the runoff can remain on the lot, there should be no public concerns. Such drainage would be typically roof surface runoff that can easily be managed the same way a house roof runoff is managed. In the case of horse wash racks, drain rock can be strategically placed to guide the water into the nearby

ground or landscaping. One would note that many tents set up in a Farmers Market venue, would also generate volumes of water runoff that should also be managed. That concern has never been addressed, but it should be.

Councilors can't single out one agricultural endeavor, in favor of another. They need to be treated equally. There are many farm to table type locations that routinely have the public accessing their locations. What is being done to monitor and manage those businesses? If there is to be limitations on occupancy in an equestrian setting, there also needs to be the same limitations placed on Farmers Markets, farm to table farms, U-pick farms, organic farms, and any other farm that allows public access to their businesses. This would also mean wineries and marijuana locations.

It is interesting that this county always turns to regulation as a means to correct a limited problem, that can better be solved through education and helpful guidance. Meaningful discussions between the county and the landowners could solve many more problems than regulations do. CCCU sees Clark County punishing all landowners for just a few landowners who don't manage their land well. The goal should not be to force these people to leave, but rather to encourage them to grow and prosper through meaningful and effective help and discussions.

2. Private vs. Public Use (e.g. requirements, standards, etc.)

Private use of agricultural buildings is just that, private use. This is no different than a personal home, garage or shed. Government needs to stay out of private ownership.

The county is looking at the equestrian facility in the wrong way. These buildings are continuously used by the private owners of the land, as well as the private owners of the animals that live there. Owners of outside horses are renting the space from the landowner and therefore are tenants, and not "the public". There is abundant state law that directs the tenants and protects the landowners from potential liability under Washington state RCWs. If the landowner is also giving riding lessons for income, they would fall under the state and federal income guidelines. This would be no different than someone giving piano lessons, sewing lessons, swimming lessons, and similar activities.

RCW 4.24.530: Limitations on liability for equine activities ...

app.leg.wa.gov > rcw

540, and section 3, chapter 292, Laws of 1989. (1) "**Equine**" means a **horse**, pony, mule, donkey, or hinny. (2) "**Equine activity**" ...

RCW 4.24.540: Limitations on liability for equine activities ...

app.leg.wa.gov > rcw

Washington State Legislature ... **Limitations on liability for equine activities—Exceptions.** (1) Except as provided in ... (2)(a) **RCW** 4.24.530 and 4.24.540 do not apply to the **horse** racing industry as regulated in chapter 67.16 **RCW**. (b) Nothing .

RCW 46.61.025: Persons riding animals or driving animal ...

Washington State Legislature. Menu Search. Enter search terms. Go. Washington State Legislature. Enter search terms. Search. Legislature ... RCW 46.61.025

3. Operational impacts (e.g. noise, odor, dust, traffic, etc.)

All these activities are included in the nuisance ordinances already in place in county code. There is no need for additional regulation being placed on just the equestrian community. Such regulation has never been placed on any other farm business and the horse farms need to be treated the same.

4. Other

As we know, Clark County regulation has pushed out the dairy farms. The same appears to be true for horse farms. But, in comparison, the equestrian activities have generated millions more in county tax revenue, that will be drastically reduced if the county continues to go down this path. Those who rent space for horses in a stable setting are generally high dollar situations whereby the horse is being groomed, trained and shown at the local, state, national and international levels. It is very expensive to show a horse on the circuit and all of those sales tax dollars go the Clark County.

We also know that in 2012, just when a former commissioner was to leave office, this regulation got tacked onto the Equestrian Plan with a vote of two commissioners. It was clear that the horse community was targeted. In comparison, wineries, essentially liquor bars, were encouraged in the rural areas. The same is true for marijuana farms. Both of these businesses were foreign to the historic agriculture rural character of Clark County. Horse husbandry has been a agriculture staple since this county ws first formed, which also included public stables. Never has anyone ever believed such activity needed to be regulated. Clark County's rural character is being hi-jacked by policies and regulations that attempt to change the history of farming in Clark County. This council must prevent that from happening.

Sincerely,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc.

P.O. Box 2188, Battle Ground, Washington 98604

Oct. 8, 2020
cc'd: Council

Rebecca Messinger

From: Mitch Nickolds
Sent: Thursday, October 8, 2020 9:31 AM
To: Windhaven Marketing; Rodger Morrison
Cc: Rebecca Messinger
Subject: RE: Feedback

Thank you for your additional comments, which will be included in the meeting record for review and consideration.



Mitch Nickolds
Director
CODE ADMINISTRATION DEPARTMENT

564.397.4052
Mitch.Nickolds@Clark.wa.gov



From: Windhaven Marketing <marketing.whtr@gmail.com>
Sent: Thursday, October 8, 2020 9:20 AM
To: Mitch Nickolds <Mitch.Nickolds@clark.wa.gov>; Rodger Morrison <rlm.whtr@gmail.com>
Subject: Feedback

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Council Members,

I wanted to thank you all for the time last night during this meeting. We are all looking forward to working with everyone on this topic.

Since there was only 3 minutes, I was hoping to add a bit of color here on some of the codes to look at.

Arenas, both public and privately used, are actually accessories to owning a barn. They are not residential in nature, and they are mainly used for industry practice during inclement weather, hyper focused training, and other specific activities. Arenas and barns should be under the Ag-exempt codes and all existing barns should be grandfathered in since there was so much time that code enforcement was not necessarily looking at this as it always has been

Soundproofing and odor - It is a safety concern to soundproof a barn given the recent events, landowners would not be able to hear their animals in the barn alerting to issues going on in the middle of the night. There is hardly any odor or

dust that goes into neighboring homes from an Equestrian Facility as utilizing horse barns in the right manner make it easily manageable. All of these topics should be eliminated from the code.

Finally, We would like to invite any one of the councilmembers and any of the staff out to see what we do at Windhaven Therapeutic Riding and how we do it as a local Nonprofit. If anyone at all has interest in getting to know a local business in Clark County, Please let me know and we can get it scheduled utilizing Covid restrictions/guidelines.

Thank you for taking the time here.

Gabriel Larson

Marketing Coordinator

360.487.9426

Marketing.WHTR@gmail.com

Rebecca Messinger

From: Cynthia Lagos <cindiequirk@gmail.com>
Sent: Friday, October 9, 2020 2:19 PM
To: John Blom; Julie Olson; EileenQuiring@clark.wa.gov; Chuck.Adkin@clark.wa.gov; Cnty Sheriff General Delivery
Cc: Kathleen Otto; Ahmad Qayoumi; proebstel neighborhood association; Rebecca Messinger
Subject: Fwd: Camp Bonnieville Proposed Expansion of the Firing Range

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----- Forwarded message -----

From: Cynthia Lagos <cindiequirk@gmail.com>
Date: Fri, Oct 9, 2020 at 1:54 PM
Subject: Camp Bonnieville Proposed Expansion of the Firing Range
To: <rebecca.messinger@clark.wa.gov>

I missed the notice that we could communicate our wishes to stop this action for all the important reasons!
I have a home here on Livingston Mountain, 25411 N E. 53rd Street, since 2012.
It was heaven living here, the quiet, the beauty and the wildlife.
I have loved it.

What has disturbed me greatly are the gunshots that we currently hear. I have called the police before telling them someone is shooting off an arsenal and I am terrified!

I just recently found out that this is allowed, and it is coming from Camp Bonnieville, and we have the firing range of 190th, and one off 1st street.

There are already many shooting ranges, what is needed is a clean up of the area.

There is the responsibility to take care of such pollution, which is full of lead and if left it will filter through soil and into water aquifers. Lead in water causes cancer and brain damage known as madhatters disease.

The homeowners, and property owners who bought their homes here for the tranquil environment, the wildlife and beauty are vehemently against this decision.

The Mac trucks and quarry trucks barreling up 53rd are too much noise, diesel smelling air and

danger to anyone coming out of their driveways that connect with 53rd. Many Deer have been killed. We have two mother deer that come by with their fawns. They have damaged legs, presumably from being hit by a car.

Livingston Mountain homeowners have paid high property taxes for years and every year are paying more. Do we have no value, no right to participate in such an unwise decision to allocate this shooting range where there are chemicals and unspent ordinance that if hit with a bullet might just ignite and destroy all of us. Fires that wipe out Camas, Vancouver and who knows how many acres. You are creating a history that will be known.

Please help us.

Sincerely,
Cynthia Lagos
Nicholas Lagos PE, Chemical, Environmental Engineer