

From: [Jeffrey Delapena](#)
To: [Rebecca Messinger](#); [Oliver Orjiako](#); [Jose Alvarez](#); [Cnty 2025 Comp Plan](#)
Subject: RE: Clark County Councilor conflict of interest in the COA court Case # 58327-5-II.
Date: Tuesday, September 3, 2024 2:45:55 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.emz](#)
[image005.png](#)

Hello Rebecca,

Thank you for forwarding over these comments. These will be entered into the Comprehensive Plan Index of Record.

Jeff Delapena

From: Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>
Sent: Tuesday, September 3, 2024 2:43 PM
To: Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>; Cnty 2025 Comp Plan <comp.plan@clark.wa.gov>
Subject: FW: Clark County Councilor conflict of interest in the COA court Case # 58327-5-II.

Hello,

Please see the below public comments. Thank you!



Rebecca Messinger
Clerk to the Council
COUNTY MANAGER'S OFFICE

564-397-4305



From: Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Sent: Tuesday, September 3, 2024 2:18 PM
To: Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>
Subject: FW: Clark County Councilor conflict of interest in the COA court Case # 58327-5-II.



Kathleen Otto
County Manager

564.397.2458



From: Clark County Citizens United, Inc. <cccuinc@yahoo.com>
Sent: Tuesday, September 3, 2024 2:16 PM
To: Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Karen Bowerman <Karen.Bowerman@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Sue Marshall <Sue.Marshall@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Subject: Clark County Councilor conflict of interest in the COA court Case # 58327-5-II.

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Clark County Council
3, 2024
P.O. Box 5000
Vancouver, Washington 98666

September

FOR THE PUBLIC RECORD

Re: Clark County Councilor conflict of interest in the COA court Case # 58327-5-II.

Dear Councilors,

Clark County Citizens United, Inc. has reviewed a Western Washington Growth Management Hearing Board case, that resulted in the case going to the Washington Court of Appeals District II, (COA) in **Case # No. No. 58327-5-II**. The case is regarding a mining overlay that was approved for a parcel of land, zoned resource forest 40, in Chelatchie Prairie, Washington. This item was considered by the Clark County Council in a process consistent with other overlay considerations, and according to Clark County Code.

The Growth Management Act 36.70A requires counties to designate resource land according to agriculture, forest and mining criteria.

<https://www.commerce.wa.gov › serving-communities › growth-management › growth-management-topics › natural-resource-lands>

[Natural Resource Lands - Washington State Department of Commerce](#)



*Background. Natural resource-based **lands** such as those used for agriculture, forestry, and mining are identified in the Washington Growth Management Act (**GMA**) with specific provisions. The 8th planning goal of the **GMA in RCW...***

That being said, the zones are interchangeable and it is common for the county to change agriculture land and forest land into aggregate and mining land. So, why is this case any different than a 2018 Storedahl mining overlay allowed on 107 acres, in the Kelly Hill area, or any mining overlay request?

What CCCU sees as different, is the fact that the Chelatchie Prairie site could be served by an existing railroad, under the GMA and Washington Department of Transportation. But, if one looks more closely at the documents in the 2018 Storedahl Kelly Hill Mine overlay, it too could be served by that railroad.

CCCU also sees that people who do not live in the Chelatchie Prairie area, and belong to an out of the area non-profit called Friends of Clark County, are the persons who are filing these appeals. They are doing so in an effort to stop the overlay and possible future mining, as well as the inability to use the railroad for much needed jobs. CCCU asks why would they be concerned over an area that does not involve them? That is a big “red flag” and the question needs to be adequately answered.

CCCU has conducted research over this case activity, and see alarming data, surface. Most concerning is the association of a sitting Clark County Councilor, Sue Marshall, and her immediate involvement and association with the Friends of Clark

County (FOCC), as former President, as well as her close ties with its officers. This was the group who filed the Appeals.

CCCU sees that right up to the time when she took office, Councilor Marshall was the President of FOCC. During her campaign, FOCC Officers worked on her behalf with fundraising and meetings. At one such event, the FOCC attorney, who filed this case to the GMA Hearing Board, gave a large contribution to candidate Marshall, according to records. He continues to represent FOCC in the COA appeal. This clearly looks as though there is a conflict of interest. Going forward, Councilor Marshall must see she should recuse herself from any activity involving this case. CCCU expects her to do so.

Clark County Citizens United, Inc. will continue to do research regarding possible conflict and concerns, as we become informed over what has transpired in this Court of Appeals Division II court case # No. 58327-5-II.

Sincerely,

Carol Levanen, Exec. Secretary, for the Membership

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604
E-Mail cccuinc@yahoo.com