

From: [Nathan Baker](#)
To: [Cnty Board of County Councilors General Delivery](#); [Cnty 2025 Comp Plan](#)
Cc: [Christine Cook](#); [Kathleen Otto](#); [Oliver Orjiako](#); [Jose Alvarez](#); [Rebecca Messinger](#)
Subject: Clark County Resolution No. 2025-04-xx - Periodic Review of Comprehensive Plan
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[2025.04.12 Friends" Comments re Clark County Resolution No. 2025-04-xx.pdf](#)

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Dear Chair Marshall, Vice Chair Yung, and Members of the Council:

Please find attached comments of Friends of the Columbia Gorge regarding Clark County Resolution No. 2025-04-xx.

Thank you.



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SUBMITTED VIA EMAIL ONLY

April 12, 2025

Clark County Council

Clark County, WA

Via email to boardcom@clark.wa.gov and comp.plan@clark.wa.gov

**Re: Clark County Resolution No. 2025-04-xx (Amending Resolution No. 2025-01-11)
Periodic Review of Clark County's Comprehensive Growth Management Plan**

Dear Chair Marshall, Vice Chair Yung, and Members of the Council:

Friends of the Columbia Gorge ("Friends") has reviewed and submits these comments on [Clark County Resolution No. 2025-04-xx \("Amended Resolution"\)](#), which will amend Clark County Resolution No. 2025-01-11. Friends is a nonprofit organization with approximately 4,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends strongly encourages the Council to, at your April 15, 2025 meeting, adopt the Amended Resolution as drafted, so that Clark County may swiftly and efficiently proceed with the next steps for the periodic review of the County's Comprehensive Growth Management Plan ("Comprehensive Plan").

Clark County is rapidly running out of time to complete the periodic review process, which must be finalized "[o]n or before December 31, 2025." RCW 36.70A.130(5)(b).¹ Adopting the Amended Resolution, which was unanimously endorsed by the Council during "Council time" at a March 5, 2025 meeting, will help keep the County on track to comply with its December 31 deadline.

Among other changes, the Amended Resolution will prudently cancel the prior intentions to spend as much as \$300,000 hiring outside consultants to prepare a countywide resource lands

¹ During the Council's April 8, 2025 meeting, there was discussion about Clark County potentially seeking from the Washington Department of Commerce ("Commerce") an extension of the County's December 31, 2025 statutory deadline. During that discussion, no authority was identified for Commerce to grant such an extension. Nor is Friends aware of any such authority.

study. Friends supports this aspect of the Amended Resolution. Although the preparation of a resource lands study could, in theory, be a worthwhile endeavor, such a study is not required for this 2025 periodic review process.

To reiterate, the County is **not required** to prepare a resource lands study during this 2025 periodic review process, **unless** the County intends to designate or de-designate resource lands during this process. *See* WAC 365-190-050(1) (“**In classifying, designating and de-designating** agricultural resource lands, counties must conduct a comprehensive countywide analysis consistent with WAC 365-190-040(10).”) (emphasis added), -060(1) (“**In classifying, designating and de-designating** forest resource lands, counties must conduct a comprehensive countywide analysis consistent with WAC 365-190-040(10).”) (emphasis added), -070(1) (“**In classifying, designating and de-designating** mineral resource lands, counties . . . must conduct a comprehensive countywide analysis consistent with WAC 365-190-040(10), with the exception of owner-initiated requests for designation. . . . Counties . . . may de-designate mineral resource lands without a comprehensive countywide analysis if mining operations have ceased and the site reclaimed.”) (emphasis added).

As stated by Clark County Community Planning Director Oliver Orjiako at the April 8, 2025 meeting, “there is no requirement that says the County must do a resource study when you’re going through the periodic review.”² And as stated by Clark County Chief Civil Deputy Prosecuting Attorney Christine Cook at the same meeting, “there is no requirement in the law to de-designate anything now, or to do the study.”³ On this point, Mr. Orjiako and Ms. Cook are correct, and the Council should follow their advice: the County is **not required** to do a resource lands study during the 2025 periodic review (unless the County intends to designate or de-designate resource lands).

Some commenters would have the Council believe that a countywide resource lands study **must** be prepared for the County’s 2025 periodic review process and **must** be prepared for **every** periodic review process. These assertions are incorrect.

For example, an April 5, 2025 memorandum submitted to the County by several attorneys and the NW Partners for a Stronger Community (“[April 5 Memorandum](#)” or “Memorandum”)⁴ is entitled “Countywide Analysis of Resource Lands is **Mandatory** for 10 Year Update to Comprehensive Plan” and asserts that “[a]n analysis of all lands designated resource or agriculture [*sic*] **must** be studied during each update to . . . Clark County’s . . . Comprehensive Growth Management Plan.” (Apr. 5 Memo. at 1.) These assertions that a resource land study is “mandatory” are simply not correct. None of the authorities cited in the

² https://www.cvtv.org/vid_link/37295?startStreamAt=7147&stopStreamAt=12016.

³ https://www.cvtv.org/vid_link/37295?startStreamAt=8043&stopStreamAt=12016.

⁴ Although the April 5 Memorandum identifies several private practitioner attorneys as its authors, it does not identify any of these attorneys’ clients on whose behalf the Memorandum was submitted (unless the NW Partners for a Stronger Community is a client of one or more of these attorneys for purposes of the Memorandum, which is not specified).

April 5 Memorandum require the County to conduct a countywide resource lands study during the 2025 periodic review, or during any periodic review.⁵

The April 5 Memorandum asserts that because the Department of Commerce changed the word “process” to “analysis” in various rules in 2023, these rules now always require a resource lands study for every periodic review: “Thus, as of 2023, there can be no doubt the WAC requires that a county **‘must’** conduct ‘a comprehensive countywide **analysis**’ of all natural resource lands during every periodic comprehensive plan and land use designation review.” (Apr. 5 Memo. at 5 (citing WSR 23-08-037, Permanent Record of the Department of Commerce, Mar 29, 2023, at pp. 6–9, 66).) This assertion is incorrect. If the rules were intended to require a resource lands study (a.k.a. “analysis”) during every single periodic review, then the rules would say that. They do not.

Moreover, the April 5 Memorandum fails to disclose a key rule change also made by Commerce in 2023 (via the very same rulemaking order as cited in the Memorandum) that expressly authorizes the County to do exactly what the Memorandum claims cannot be done: the County may defer until later (including during a future periodic review cycle) both the review of the County’s resource lands designations and the preparation of a resource lands study (a.k.a. “analysis”): “Counties . . . **must defer** reviews of resource lands **until they are able** to conduct a comprehensive countywide analysis consistent with WAC 365-190-040(10).” WAC 365-196-480(2)(e) (emphasis added) (adopted via WSR 23-08-037 at [p. 97](#)).

With two simple words (“must defer”), this rule expressly authorizes (and indeed, requires) the County to delay any desired review of resource lands unless and until the County is ready and able to prepare a resource lands study. Pursuant to this express authority, the County should in fact defer those steps here, rather than paying hundreds of thousands of dollars for a resource lands study that would inevitably be rushed, cursory, inadequate, and legally vulnerable if it were prepared in a radically accelerated timeframe.

It is telling that the April 5 Memorandum ignores this language in WAC 365-196-480(2)(e), which completely undermines the main assertion of the Memorandum (that a resource lands study must be done now).

In conclusion, there is insufficient time left for Clark County to prepare an adequate countywide resource lands study and meaningfully use such a study in time to comply with the County’s mandatory December 31 deadline for completing the periodic review of the Comprehensive Plan. Any resource lands study can and should be deferred to the next periodic review cycle.

⁵ During the April 8, 2025 Council meeting, attorney LeAnne Bremer asserted that “[w]e haven’t heard any alternative analysis or legal opinion on why the County **must not** do this study” https://www.cvtv.org/vid_link/37295?startStreamAt=3192&stopStreamAt=12016 (emphasis added). This is an incorrect framing of the issue. Nobody is arguing that the County “must not” prepare a study. Instead, numerous commenters have asserted that the County **should not** prepare such a study in 2025, because as these commenters (and the Council’s legal counsel and staff) have explained, such a study **is not required**, *i.e.*, it is optional (unless the County intends to designate or de-designate resource lands).

Friends of the Columbia Gorge strongly urges the Clark County Council to adopt the Amended Resolution as drafted. Thank you for this opportunity to comment, and for your consideration and attention to this important matter.

Sincerely,



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