

From: [Rebecca Messinger](#)
To: [Sue Marshall](#); [Glen Yung](#); [Michelle Belkot](#); [Wil Fuentes](#); [Matt Little](#)
Cc: [Kathleen Otto](#); [Oliver Oriako](#); [Jose Alvarez](#); [Cnty 2025 Comp Plan](#)
Subject: FW: Comment on Comp Plan Update: Resource Land Study
Date: Friday, May 30, 2025 7:36:22 AM
Attachments: [FOCC_Record-RFP_Proposals-Ltr-250529.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Please see the attached comments from FOCC. Thank you.



Rebecca Messinger
Clerk to the Council
COUNTY MANAGER'S OFFICE

564-397-4305



From: Ann Foster <annfoster5093@gmail.com>
Sent: Thursday, May 29, 2025 11:15 AM
To: Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>
Subject: Comment on Comp Plan Update: Resource Land Study

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Hello Kathleen and Rebecca,
For the record we are submitting the attached letter to you regarding our thoughts on the process of selecting a consultant for the Resource Land Study effort.

As always, we appreciate your consideration.

Very best,
Ann Foster, President
Friends of Clark County



Friends of Clark County

PLANTING THE SEEDS OF RESPONSIBLE GROWTH

May 29, 2025

Clark County Council
% Kathleen Otto, County Manager
Rebecca Messinger
Public Services Center
6th Floor
1300 Franklin Street
Vancouver, WA 98660

RE: Comments *For the Record* for Comprehensive Plan Update Re: Resource Land Study

By email only to Kathleen Otto at kathleen.otto@clark.wa.gov and Rebecca Messinger at rebecca.messinger@clark.wa.gov.

Dear Councilors:

My name is Ann Foster. I am the president of Friends of Clark County (FOCC).¹ I am writing today on behalf of FOCC and our individual members including myself and other members of our Board regarding the upcoming process for selecting a consultant in RFP # 924. A Council majority stated that the purpose of the agricultural resource land study is, in large part, to determine if certain specific agricultural resource lands can be included in the proposed expanded UGAs proposed by the City of Ridgefield and the City of La Center. The RFP will necessarily have to look at all the land in Clark County to determine which additional lands should be designated as agricultural resource lands and if other lands that are currently designated as Agricultural Lands of Long-Term Commercial Significance (ALLTCS) continue to qualify for that designation.

But for the cities of La Center and Ridgefield of Ridgefield submission of alternatives that proposed to de-designate ALLTCS by including those lands into the proposed expansions of their respective UGA boundaries, no study would be required at this time. Thus, it appears that, on its face, the sole (or at least predominant) reason to conduct a county wide study of *all* agricultural resource lands in a 60-day period of time (actual time is 56 days²) is so the Council can determine if the currently

¹ FOCC is a 501(c)(3) Washington State non-profit corporation that works collaboratively with community partners and policy makers to keep Clark County a beautiful and healthy place to live, work, and play¹. FOCC and its members have served on County committees preparing for the Comprehensive Plan Update including the Buildable Lands Project Advisory Committee and the Community Climate Advisory Committee. FOCC, and its members, have provided multiple comments into the record at every stage of planning.

² The date the project is scheduled to begin is June 25 with a draft “for internal use only” due to the County on August 18, 2025, a period of 45 days. Compare to Thurston County’s agricultural resource land study that began in May 2021 and was finally adopted by the County in November 2024 (May 2021, the Board set the scope of the study to be completed and then established a Stakeholder group—7 meetings over 5 months between October 2022 and February 2023, 5 open houses between March 2023 and August 2023, outreach to multiple groups and stakeholders, 6 work sessions in front of the planning commission between May and August 2023, August 2023 public hearing in front of planning commission with recommendations to the Thurston County Board of County

designated ALLTCS that the City of Ridgefield and the City of La Center want to include in their proposed expanded UGAs can be considered to be included in an alternative in the upcoming DEIS process. Ultimately, the cities of La Center and Ridgefield are asserting that the lands should be de-designated, considered in DEIS and then allowed to be a part of the preferred alternative for consideration of whether they should be included in their respective UGAs.

Given that most of the public testimony, and public discussion by the Council, has been laser focused on the ALLTCS that the City of Ridgefield and the City of La Center have proposed to be included in the proposed expansion of their respective UGAs, FOCC urges the County to take measures to ensure that whoever is selected to conduct this study is fully aware of the enormity of the task and will not have any financial or ethical conflicts with working for all the residents of the County.

At the outset, we do not know which individuals and/or firms may submit proposals. However, we urge the County to closely scrutinize the eligibility of any individual and/or firm that has a perceived and/or actual conflict of interest. FOCC, although we did not see a "sample contract" attached to this RFP, is aware that in other contracts that the County has executed, the contract contains a paragraph similar to the below:

15. Conflict of Interest. The Contractor covenants that it has had no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services hereunder. The Contractor further covenants that no person having such interest shall be employed by it or shall perform services as an independent contractor with it, in the performance of this contract.

<https://mrsc.org/getmedia/1c6bf61a-8efc-4648-b4ba-e71c15969a6f/c52investrfp.pdf>

FOCC's review of the record reveals that during this Comprehensive Plan update, the Jordan Ramis Law firm, as well as multiple landowners, retained Johnson Economics to evaluate specific parcels of land in Clark County that are currently designated as ALLTCS. Subsequently, Johnson Economics submitted 6 documents³ to the County through the landowners, lawyers for the landowners and/or city representatives⁴. Each document is entitled "Agricultural Resource Land Analysis for Determination of De-Designation in Clark County, Washington"⁵. According to the record, the documents were prepared

commissioners, 4 briefings in front of the BOCC between August 2023 and November 2023 with a final public hearing in front of the Board on November 25, 2024. https://s3.us-west-2.amazonaws.com/thurstoncountywa.gov.us-west-2/s3fs-public/2024-11/cped-cp-docs_FinalDraft_2024CPU_Resolution.pdf Total time for the process: 40 months from start plus, as pointed out by Ms. Otto, Thurston County utilized 5 separate consultants.

³ Each document included the exact same inclusion in the respective executive summaries: "We find that the subject property does not meet the criteria of agricultural resource land as defined by the Washington Growth Management Act, and therefore, we recommend de-designation."

⁴ FOCC acknowledges that there may be additional Johnson Economic submittals but we have only been able to find the six specific to which refer in the record.

⁵ Each of the 6 submittals began with the following:

"JOHNSON ECONOMICS was retained by _____ (person or entity who retained Johnson Economics) to evaluate a cluster of parcels in Clark County (referenced throughout as the "subject property") under the Washington Growth Management Act (GMA) to determine if they meet the criteria of agricultural resource lands. These criteria are:

based upon individual and separate retainer agreements with the Jordan Ramis Law Firm, Mike Pauletto, the “North Ridgefield Expansion Area Property Owners”, William and Karri Rohrer⁶, Gerald and Beverly Jones and Romano Development (property commonly known as Andersen Dairy). Johnson Economics did not submit its various retainer agreements with the parties with their submittals of the 6 documents but at least one Johnson Economics client, Mike Pauletto, testified that he paid \$13,000 for the review done for him.

According to a letter in the record from Jordan Ramis attorney Ezra Hammer to the County, Jordan Ramis currently represents property owners of 73 parcels of land who are seeking a variety of changes to designations of their properties. The list of clients/properties submitted by Jordan Ramis includes properties and/or property owners who are included in the groups of property owners and/or properties listed in the Johnson Economics “North Ridgefield Expansion Area Property Owners” submittal, the Johnson Economics Camas (Nevin) submittal and the Johnson Economics La Center (Pauletto). Thus, it appears that Jordan Ramis represents multiple landowners who are requesting that their lands be de-designated so that they can be included in the City of Ridgefield and the City of La Center proposed expansions of their respective UGAs.

According to the record, Ms. LeAnne Bremer (Miller Nash firm) represents two separate clients who retained Johnson Economics in this process: 1) Gerald and Beverly Jones and 2) Romano Development. In addition, another land use attorney, Mr. Stephen Horenstein (Schwabe firm) in has represented Three Creeks North, LLC (Lance Killian) over the years. Mr. Killian and/or Three Creeks North retained Johnson Economics in 2015 to do an economic evaluation of the area broadly known as the 179th Street corridor, then relied on the document produced by Johnson Economics in August 2015⁷ and relied upon by a number of individuals in the August 2019 hearings in front of the Council in support of lifting the Urban Holding on the 179th Street Corridor⁸. Based on information and belief, Mr. Killian

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- (a) *The land is not already characterized by urban growth.*
 - (b) *The land is used or capable of being used for agricultural production (based on physical characteristics).*
 - (c) *The land has long-term commercial significance for agriculture. (WA 365-190-050)*

The analysis will consider site-specific and broader local trends in land use, urban growth, and future potential for agricultural use as detailed in WA 365-190-050. The main components of this study are:

- *Characterization of urban growth around the subject property*
- *Determining if the subject property is primarily devoted to commercial agriculture production.*
- *Analysis of the long-term commercial significance of agricultural production at the subject property*
- *Review of the criteria for agricultural resource lands in the context of the subject property*
- *Assessment of the state of agriculture in Clark County, including agricultural and urban trends.*
- *Recommendations for de-designation of the subject property.” (emphasis in original).*

⁶ FOCC has been able to determine if the Rohrers have lawyers representing them but communications in the record are cc'd to Ezra Hammer of Jordan Ramis.

⁷ “Economic Impact and Return on Investment Analysis for NE 179th Street Improvements”.

<https://clark.wa.gov/sites/default/files/dept/files/community-planning/16%20-%20Economic%20Impact%20&%20Return%20on%20Investment%20Analysis,%20Report.pdf>

⁸ https://clark.wa.gov/sites/default/files/dept/files/council-meetings/2019/2019_Q3/091719_CouncilHearingMinutes082019Verbatim179Street.pdf at 31-33

and/or Three Creeks North hired Johnson Economics again in 2023 to testify in support of a CPZ to remove the General Commercial designation claiming it was not economically viable⁹.

Finally, a fifth land use lawyer, Steve Morasch (Landerholm firm) stated on April 8, 2025 that he represents Mark Hinton and Hinton Services. According to Mr. Morasch's public statement in front of the Council, Mr. Hinton "is a residential developer in Clark County and has been developing residential development for over 30 years" and that Hinton "is under contract to purchase approximately 64 acres in the proposed Ridgefield UGA expansion for the purpose of developing housing which are currently 20-acre AG parcels."¹⁰

Therefore, multiple lawyers representing landowners, and/or their respective clients, have executed at least 6 separate and distinct contractual relationships with Johnson Economics. These lawyers, law firms and/or their respective clients are advocating for de-designating ALLTCS to non-resource lands, including the lands that the City of Ridgefield and the City of La Center want to include in their proposed expanded UGAs.

If Johnson Economics submits a proposal in response to the RFP, we urge the County to consider if those contractual relationships constitute a conflict of interest with the County. In addition, we would urge you to request that Johnson Economics provide copies of those agreements so that the County can adequately assess the nature and extent of Johnson Economics business relationships with, and/or continuing fiduciary obligations to, their respective clients.

In addition, in evaluating each response to the RFP, we urge the County to consider all prior work, if any, performed by any firm/or individual and determine if the work performed showed a knowledge and understanding of Washington laws.

Given that at least one consultant has provided their submittals regarding de-designation as part of the public record, FOCC urges the County staff, during its deliberative process in selecting a possible consultant to complete the work, consider if those submittals accurately followed the legally required criteria in coming to their conclusions/recommendations while recognizing that they have made determinations that all of the lands warrant de-designations in the face of the law that states that site specific determinations regarding de-designations must be deferred until after there is a county wide study for all the reasons set forth in the WAC.

⁹ https://clark.wa.gov/sites/default/files/media/document/2023-06/062723_VerbatimMinutes_060623.pdf at 25-43 (Johnson at 31-34 and 41-43).

¹⁰ APN 212566000, 212590000 and APN 212584000) which are the Jones, Palmer and McPherson properties north of 279th Street and east of I5 in the proposed Ridgefield expansion. Ms. Bremer represents the Jones family who retained Johnson Economics.

Clark County Council
% Kathleen Otto, County Manager
Rebecca Messinger
May 29, 2025

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Although FOCC continues to believe that engaging in this process is unwarranted and fraught with peril given all of the work done to this date, and prior resolutions adopted by the County related to the update, we hope that you find our observations helpful when engaging in your deliberations to select a consultant to perform this very, very important study.

We thank you for providing us the opportunity to comment.

Best Regards,

Ann Foster

Ann Foster, President