

**From:** [Oliver Orjiako](#)  
**To:** [Jeffrey Delapena](#)  
**Subject:** FW: Environmental permitting process for rural landowners fosters illegal regulatory climate  
**Date:** Wednesday, August 20, 2025 8:25:17 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Hi Jeff,

For the comp plan record. Thanks.



**OLIVER ORJIAKO**

Director

COMMUNITY PLANNING

564.397.2280



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**From:** Clark County Citizens United, Inc. <cccuinc@yahoo.com>

**Sent:** Tuesday, August 19, 2025 7:32 PM

**To:** Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Sue Marshall <Sue.Marshall@clark.wa.gov>; Matt Little <Matt.Little@clark.wa.gov>; Wil Fuentes <Wil.Fuentes@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; CommDev OA Land Use <CommDevOALandUse@clark.wa.gov>

**Subject:** Fw: Environmental permitting process for rural landowners fosters illegal regulatory climate

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Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604  
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Clark County Council  
August 19, 2025  
P.O. Box 5000  
Vancouver, Washington 98666

FOR THE PUBLIC RECORD

**Re: Environmental permitting process for rural landowners fosters illegal regulatory climate**

Dear Councilors,

Clark County Citizens United, Inc., a 501c4 non-profit representing 6,000 members, believes Clark County's environmental permitting process for rural landowners has been allowed to foster an illegal regulatory climate. This severe climate stifles property rights, economic growth and housing development. Harsh regulatory actions using fabricated, exaggerated and unwarranted mitigation and buffers threaten many basic principles of property rights. This is in direct conflict to **RCW 36.70A.020 (6) Property rights**, under the **Washington Growth Management Act. "Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions"**

Clark County officials are violating private property rights in the name of a perceived "*common good*". Draconian false determinations burden entire deeds of rural properties. This is very costly and forces landowners to give away their right to use and enjoy their property. Costs to the landowners being forced to achieve these flawed environmental goals are extreme, in dollars, time, development, property values, personal liberties and land uses within the zone. Such costs are disproportionate to any "*common good*".

The Washington State Growth Management Act (GMA) includes a specific goals related to property rights, aimed at protecting landowners from government overreach. The core of the GMA property rights goal is to:

- **Prevent arbitrary and discriminatory government actions:** Ensure that landowners are not subjected to unreasonable or unfair restrictions on their property by state and local authorities."
- **Guarantee just compensation for public**

**takings:** Reiterate the Fifth Amendment principle that private property cannot be taken for public use without fair compensation.

Essentially, this goal seeks to balance the need for growth management and planning with The fundamental rights of property owners. The GMA also emphasizes ensuring a fair and timely process for permits and applications related to property development.

Landowners are forced to use a process that demands restrictive recordings on entire deeds, before permanent occupancy permits are granted. The threat of expensive penalties, along with refusing to grant permanent occupancy permits are examples of the county using extortion to achieve the recordings. GMA mandates counties under

**RCW 36.70A.011 Findings—Rural lands. “The legislature finds that this chapter is intended to recognize the importance of rural lands and rural character to Washington's economy, its people, and its environment, while respecting regional differences. Rural lands and rural-based economies enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the state's overall quality of life.”**

Here in Clark County, there has been a shift of power to Clark County permitting agents, severely limiting and even eliminating authorized zoned land uses guaranteed within the Clark County Comprehensive Plan and the GMA. This is clearly demonstrated by county statistics showing a mere .01% growth in the rural areas, when historically that number varied between 17% and 20%. It is also clear that through the county permitting process and flawed zoning, the county is attempting to literally stop all rural growth. Landowners are being forced to use a permitting process in which Clark County government must grant them permission before any actions can be taken on their private land. This is extortion and is of grave concern to rural landowners.

Common professional standards and practices, that rely on scientific facts and historical data relevant to rural culture and properties, are not routinely used in rural permitting processes. In exchange, data manipulations and mischaracterizations that result in faulty data and contaminated official determinations has become the norm. Many rural permitting cases have come to CCCU's attention and all have peculiar similarities.

- 1. Case reports do not demonstrate professional standards in data collection and are tainted with faulty determinations**
- 2. Official permitting reports woefully show insufficient legitimate data and fail**

to reference historical and cultural practices common to rural property.

3. Required mitigations are disproportionate to environmental infringements.

4. Case reports contain provisions that demand recordings on private deeds prior to issuance of permanent occupancy permits, regardless of environmental impact.

5. A vast lack of communication from county staff whereby the landowner is ignored, and any attempt to contact staff is futile.

This is extortion. Clark County has accumulated untold numbers of permanent conservation covenant recordings based on nothing more than a diet of fabricated garbage. The fabrications ultimately lead to improper designations that support preconceived conclusions, with nothing to substantiate a true nexus. A nexus needs to be identified before calling potential infringements that require mitigations. If a true environmental nexus fails to be determined, agents will resort to extreme measures and create fictitious, baseless determinations which are fed into official reports used to justify permanent deed recordings. Permitting agents are strong-arming landowners to surrender property rights in exchange for occupancy permits. Permanent Conservation Covenant extortion is unconstitutional according to the United States Supreme Court. Baseless determinations are equivalent to the county "taking" private property.

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**Under RCW [36.70A.070](#) Comprehensive plans—Mandatory elements. Counties are directed to comply with the text that reads:**

**(2) A Housing element** *ensuring the vitality and character of established residential neighborhoods that:*

*(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:*

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*(e) Identifies local policies and regulations that result in racially disparate impacts, **displacement, and exclusion in housing, including:***

*(i) Zoning that may have a discriminatory effect;*

*(ii) Disinvestment; and*

*(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments*

**(5) Rural element.** *Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following*

*provisions shall apply to the rural element:*

*(a) Growth management act goals and **local circumstances**. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW **36.70A.020** and meets the requirements of this chapter.*

*(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.*

The Supreme Court has made multiple rulings that the government can't force, extort, or coerce people to give up their private property rights in exchange for a permit. In **Cedar Point v. Hassid (2021)**, the court reaffirmed the right to exclude others as a core property right. It held in **Nolan v. California Coastal Commission (1987)**, and **St. John's River Water Management District v. Koontz (2013)** that the government cannot demand money or property in exchange for a land use permit without a direct connection to the impact of the project.

**The Nolan, Dolan v. City of Tigard (1994)** and the Koontz cases all established that permit conditions for construction **must be proportional and directly related to its impact**. Anything above and beyond is a property taking and unconstitutional. PLF's recent Supreme Court victory in **Sheetz v. County of El Dorado** confirmed that even conditioning permits imposed by legislation rather than ad-hoc, like **Healdsburg's policy**, are subject to these same constitutional rules.

The entire county permitting process is tainted and degrades property rights, to the point of elimination. This allows an intentional, predetermined outcome to go unabated and allows for easy access to deed recordings. This tragedy forces each individual permittee to be locked into a system that manipulates data, arrives at preconceived conclusions and burdens entire deeds in perpetuity. It was not designed to serve the "common good." CCCU membership reminds the Council that protections for property rights are not only protected by the United States Constitution and the Washington State Constitution, but also by the Growth Management Act. Private property protections is one of the 15 Planning Goals under **RCW 36.70A.020**. The GMA includes specific language in the statute that includes:

**"The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans, development regulations, and, where specified, regional plans, policies, and strategies."**

The GMA clearly has protections for private property rights as a goal that stands on

equal footing with environmental protections and are mandated to receive equal attention since they all enjoy importance. CCCU currently has many rural landowners waiting for conversations with agency permitting staff, but all they get is silence. They are concerned about unfounded demands for conservation covenants that permanently burden their entire deed, and do not want to extinguish their rights and protections.

The phrase, "for the common good", doesn't appear in the GMA or the Comprehensive Plan and is a subjective term that is difficult to define. However, public welfare, health department, safety and building codes all address the public's interest and common good. Clark County has regulations that are elevating "common good" while removing zoned uses of private land and constitutional property rights. Clark County should have a policy that reads; **"Property rights are an important goal in Clark County. Private property rights must be officially recognized, protected and assured.** Clark County Citizens United, Inc. asks Clark County to minimize regulations in the county codes to allow people to use their private properties as they wish, as long as it doesn't conflict with the rights of others and their "common good." Specific review criteria must be mandated to county staff to prevent false and fabricated determinations that become legal flawed requirements and infringe on the private property rights of the people.

Sincerely,

Susan Rasmussen, President

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