

**From:** [Clark County Citizens United, Inc.](#)  
**To:** [Jeffrey Delapena](#); [Bart Catching](#); [Oliver Orjiako](#); [Jose Alvarez](#); [Cnty 2025 Comp Plan](#); [CommDev OA Land Use](#); [Michelle Belkot](#); [Glen Yung](#); [Wil Fuentes](#); [Matt Little](#); [Sue Marshall](#); [Kathleen Otto](#)  
**Subject:** Re: Key laws to determine agricultural land under the Growth Management Act  
**Date:** Thursday, November 20, 2025 4:37:30 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Jeffrey Delapena, Bart Catching

November 20, 2025

Oliver Orijako, Jose Alvarez

Clark County Community Development

Clark County Council

P.O. Box 5000

Vancouver, Washington 98666

FOR THE PUBLIC RECORD AND THE COMPREHENSIVE PLAN  
**Re: Key laws to determine agricultural land under the Growth Management Act**

Dear Mr. Delapena,

Thank you for directing Clark County Citizens United, Inc. to the location in the Public Record where CCCU's testimony can be found. In the future CCCU will go to that site. My question to you is whether the Agriculture Land Study Commission saw any of this information and were able to digest the content?

As it regards the email transfers, CCCU has been including Community Development's email address, which was missing in Ms. Cottam's email track, and yet you responded to her. But in the future CCCU will send all testimony to the email you suggest, ([comp.plan@clark.wa.gov](mailto:comp.plan@clark.wa.gov))

Listening to the 11-19-25 meeting, it appears the committee members have not accessed the proper information regarding agriculture land and do not understand what their charge should be under the Growth Management Act, as it regards a review of Agriculture land in Clark County.

When a CCCU Board member gave testimony regarding the NRCS-USDA authorized 1972 Soils Manual, a commission member said they didn't have to use that publication and it was not important. In fact, It is the only thing they are to use, when it comes to determining Agriculture land. Any other information used is based on that manual and maps. That publication is required by the GMA.

As CCCU listened to the commission conversation in the meeting, it appears that EcoNorthwest is trying to put words in their mouths and to consider changes that are not to be considered. Attorney Christine Cook knows what the GMA says about agriculture land, but she said nothing when the Soils Manual was discussed as public testimony. In addition, Councilor Marshall indicated the Commission members were too "timid" to say things, which appears to mean she wants them to be more aggressive. That is not her place as councilor, to sway the commission into certain conversation, which is true for EchoNorthwest.

The Soils Manual and the following laws outlined in the GMA are the only references the Agriculture Lands Study Commission needs, to do their job, but there was no conversation regarding any of those items by EcoNorthwest or the Ag Commission. Please forward this email and the following information to the Commission and EchoNorthwest so they can make corrections to their process, to assure the information is correct and legal.

Best Regards,  
Carol Levanen, Exec. Secretary  
Clark County Citizens United, Inc.  
P.O. Box 2188  
Battle Ground, Washington 98604

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- [RCW 36.70A.020](#)

### **Planning goals.**

(4) **Housing.** Plan for and accommodate housing affordable to all

economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

- **(6) 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.**
- **(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts.**
- [RCW 36.70A.030](#)

#### Definitions.

(6) "**Agricultural land**" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by \*RCW [84.33.100](#) through [84.33.140](#), finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

<!--[if !supportLineBreakNewLine]-->  
<!--[endif]-->

(25) "**Long-term commercial significance**" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

<!--[if !supportLineBreakNewLine]-->  
<!--[endif]-->

<!--[if !supportLists]-->• <!--[endif]--> [36.70A.170](#). **Rural development** can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. **Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.**

<!--[if !supportLists]-->• <!--[endif]--> [RCW 7.48.300](#): This is the main "right-to-farm" law. It protects agricultural and forest practices from nuisance lawsuits. Its purpose is to prevent the premature removal of land

from agricultural and timber production due to litigation. This law applies to properties sold on or after January 1, 2020.

- **RCW 36.70A.170:** This law **requires counties and cities to designate agricultural lands of long-term significance for commercial production.**
- **RCW 36.70A.177:** This law outlines innovative zoning techniques and accessory uses allowed in agricultural zones.
- **RCW 36.70A and the Voluntary Stewardship Program (VSP):** The VSP, established by RCW 36.70A, provides an alternative to traditional regulation for protecting critical areas and agricultural lands by using voluntary and incentive-based local work plans.

## **WAC 365-190-040**

### **Process.**

(4) **Classification** is the first step in implementing RCW [36.70A.170](#) and requires defining categories to which natural resource lands and critical areas will be assigned.

(a) Counties and cities are encouraged to adopt classification schemes that are **consistent with federal and state classification schemes** and those of adjacent jurisdictions to ensure regional consistency. **Specific classification schemes for natural resource lands and critical areas are described in WAC [365-190-050](#) through [365-190-130](#).**

**WAC [365-190-050](#):** This Washington Administrative Code (WAC) section **provides details on the criteria for designating agricultural resource lands, focusing on economic viability** and ensuring enough land is designated to support the agricultural industry.

(6) **"Agricultural land"** means **land primarily devoted to the commercial production** of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by \*RCW [84.33.100](#) through [84.33.140](#), finfish in upland hatcheries, or livestock, and **that has long-term commercial significance for agricultural production.**

## **WAC 365-190-050**

## **Agricultural resource lands.**

(1) In classifying, designating and de-designating agricultural resource lands, counties must conduct a comprehensive countywide analysis consistent with WAC [365-190-040](#)(10). Counties and cities should not review resource lands designations solely on a parcel-by-parcel basis. Counties and cities must have a program for the transfer or purchase of development rights prior to designating agricultural resource lands in urban growth areas. Cities are encouraged to coordinate their agricultural resource lands designations with their county and any adjacent jurisdictions.

(2) Once lands are designated, counties and cities planning under the act must adopt development regulations that assure the conservation of agricultural resource lands. Recommendations for those regulations are found in WAC [365-196-815](#).

### **(3) Lands should be considered for designation as agricultural resource lands based on three factors:**

(a) The land is not already characterized by urban growth. To evaluate this factor, counties and cities should use the criteria contained in WAC [365-196-310](#).

**(b) The land is used or capable of being used for agricultural production.** This factor evaluates whether lands are well suited to agricultural use based primarily on their physical and geographic characteristics. Some agricultural operations are less dependent on soil quality than others, including some livestock production operations.

**(i) Lands that are currently used for agricultural production and lands that are capable of such use** must be evaluated for designation. The intent of a landowner to use land for agriculture or to cease such use is not the controlling factor in determining if land is used or capable of being used for agricultural production. Land enrolled in federal conservation reserve programs is recommended for designation based on previous agricultural use, management requirements, and potential for reuse as agricultural land.

**(ii) In determining whether lands are used or capable of being used for agricultural production, counties and cities shall use the land-capability classification system of the United States Department of Agriculture Natural Resources Conservation Service as defined in relevant Field Office Technical Guides. These eight classes are incorporated by the United States Department of Agriculture into map units described in published soil surveys, and are based on the growing capacity, productivity and soil composition of the land.**

**(c) The land has long-term commercial significance for agriculture.** In determining this factor, counties and cities should consider the following nonexclusive criteria, as applicable:

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(i) The classification of prime and unique farmland soils, and farmlands of statewide importance, as mapped by the Natural Resources Conservation Service;

(ii) The availability of public facilities, including roads used in transporting agricultural products;

(iii) Tax status, including whether lands are enrolled under the current use tax assessment under chapter 84.34 RCW and whether the optional public benefit rating system is used locally, and whether there is the ability to purchase or transfer land development rights;

(iv) The availability of public services;

(v) Relationship or proximity to urban growth areas;

(vi) Predominant parcel size, which may include smaller parcels if contiguous with other agricultural resource lands;

(vii) Land use settlement patterns and their compatibility with agricultural practices;

(viii) Intensity of nearby land uses;

(ix) History of land development permits issued nearby;

(x) Land values under alternative uses; and

(xi) Proximity to markets.

(4) When designating agricultural resource lands, counties and cities may consider food security issues, which may include providing local food supplies for food banks, schools and institutions, vocational training opportunities in agricultural operations, and preserving heritage or artisanal foods.

(5) When applying the criteria in subsection (3)(c) of this section, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term; and to retain supporting agricultural businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities.

(6) Counties and cities may further classify additional agricultural lands of local importance. Classifying additional agricultural lands of local importance should include, in addition to general public involvement, consultation with the board of the local conservation district and the local committee of the farm service agency. It may also be useful to consult with any existing local organizations marketing or using local produce, including the boards of local farmers markets, school districts, other large institutions, such as hospitals,

correctional facilities, or existing food cooperatives.

These additional lands may include designated critical areas, such as bogs used to grow cranberries or farmed wetlands. Where these lands are also designated critical areas, counties and cities planning under the act must weigh the compatibility of adjacent land uses and development with the continuing need to protect the functions and values of critical areas and ecosystems.

## **WAC 365-196-815**

### **Conservation of natural resource lands.**

#### **(1) Requirements.**

(c) Classification, designation and designation amendment. The department adopted minimum guidelines in chapter [365-190 WAC](#), detailing the process involved in establishing a natural resource lands conservation program. Included are criteria to be considered before any designation change should be approved.

(d) **Prior uses.** Regulations for the conservation of natural resource lands may not prohibit uses legally existing on any parcel prior to their adoption

(a) When adopting development regulations to assure the conservation of agricultural lands, counties should consider use of innovative zoning techniques. These techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Any nonagricultural uses allowed should be limited to lands with poor soils or lands otherwise not suitable for agricultural purposes.

(b) Examples of innovative zoning techniques include:

(i) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in this subsection;

(ii) **Cluster zoning**, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

(iii) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

(iv) **Quarter/quarter zoning**, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land;

(v) **Sliding scale zoning**, which allows the number of lots for single-family residential purposes, with a minimum lot size of one acre, to increase inversely as the size of the total acreage increases; and

Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604  
E-Mail [cccuinc@yahoo.com](mailto:cccuinc@yahoo.com)

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E-Mail [cccuinc@yahoo.com](mailto:cccuinc@yahoo.com)

On Thursday, November 20, 2025 at 11:28:55 AM PST, Jeffrey Delapena  
<[jeffrey.delapena@clark.wa.gov](mailto:jeffrey.delapena@clark.wa.gov)> wrote:

Good day, Carol,

Thank you for your message to confirm about the status of these public comments submitted related to the Comprehensive Plan.

All public comments are uploaded to our website as soon as possible upon submission. These can be sorted using the search function in the top-right corner above the grid, by either typing in the date or name of the submitter or organization.

[2025 Update Public Comment | Clark County](#)

For the period referenced, since Oct. 23<sup>rd</sup>, I am showing that we have received six public comments via email which are available on the Public Comment site (linked below):

- Oct. 23<sup>rd</sup>: [September 30, 2025 Clark County Agricultural Lands Study Workshop CCCU Concerns](#)
- Nov. 7<sup>th</sup>: [Fw: Re: Failures in the Agricultural Study Materials for the 2025 Comprehensive Plan](#)
- Nov. 14<sup>th</sup>: [We need affordable homes throughout Clark County NOW!](#)
- Nov. 18<sup>th</sup>: [Displacement causes harm and is not an authorized Growth Management Act Planning Goal.](#)
- Nov. 18<sup>th</sup>: [FW: Clark County"s average farm is 4.9 acres. In 2012, 44% of county farms are 9 acres or less. In 2022, 43% are less than 9 acres.](#)
- Nov. 18<sup>th</sup>: [FW: :Clark County is not mitigating the loss of private property rights and land for rural housing](#)

As well, the Open House materials which you referenced are all available on the Public Comment site, linked below:

- [Sept. 30th 2025 Open House Materials](#)
- [Oct. 28th 2025 Open House Materials, Part 1](#)
- [Oct. 28th 2025 Open House Materials, Part 2](#)

I am working with the Council's office to confirm if any additional comments were received by them which were not forwarded to Community Planning staff or myself specifically. If you have any specific dates or subject lines to reference, that would be helpful in ensuring these are located and added to the Public Record.

Regarding Jessica Cottam's public comment, I would recommend in the future to include our email address designated for the Comprehensive Plan which is monitored by Community Planning Staff ([comp.plan@clark.wa.gov](mailto:comp.plan@clark.wa.gov)), to ensure that your comment is directly received and they can respond to confirm receipt.

Best regards,



**Jeff Delapena**  
Program Assistant  
COMMUNITY PLANNING

564.397.4558



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**From:** Clark County Citizens United, Inc. <ccuinc@yahoo.com>  
**Sent:** Wednesday, November 19, 2025 6:12 PM  
**To:** Jeffrey Delapena <Jeffrey.Delapena@clark.wa.gov>; Bart Catching <Bart.Catching@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Wil Fuentes <Wil.Fuentes@clark.wa.gov>; Matt Little <Matt.Little@clark.wa.gov>; Sue Marshall <Sue.Marshall@clark.wa.gov>; CommDev OA Land Use <CommDevOALandUse@clark.wa.gov>

**Subject:** Ten public testimony emails and two testimony packets from Clark County Citizens United, Inc. are not in the record

**EXTERNAL:** 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.

Jeff Delapena and Bart Catching

November 19, 2025

Clark County Community Development

P.O. Box 5000

Vancouver, Washington 98666

FOR THE PUBLIC RECORD AND THE COMPREHENSIVE PLAN

Re: Ten public testimony items from Clark County Citizens United, Inc. is not in the record

Dear Mr. Delapena and Mr. Catching

Clark County Citizens United, Inc. has submitted volumes of items of testimony into the public record for the Comprehensive Plan update, and only a fraction of them can be found in the record. In particular, ten items were submitted via email, beginning October 23, and packets of documents were submitted into the record at the Agriculture Committee Open Houses in Battle Ground, Washington. None of them can be found in the record. What is happening to these critical testimony items?

CCCU sees that Mr. Delapena has responded to Ms. Cottam with an email, but even though CCCU sends our emails to the same persons that she did, we did not receive a like response. In fact, CCCU never gets a confirmation response from county staff for any of CCCU's testimony. Such actions by staff are not allowed under state law. The following is a copy of the Cottam email.

*From: Jessica Cottam*

*Sent: Tuesday, November 18, 2025 2:28 PM To: Cnty 2025 Comp Plan ; Glen Yung ; Matt Little ; Sue Marshall ; Michelle Belkot ; Wil Fuentes*

*Subject: Maintaining and expanding agricultural land designations*

You responded to Jessica with this email.

*"Good day, Jessica,*

*Thank you for your feedback related to the Agricultural Lands Study for the 2025 Comprehensive Plan Update. I have forwarded your comments to Staff and will enter these into the Index of Record".*

Clark County Citizens United, Inc. expects the same treatment as any other member of the public, and we ask that you find all of the testimony that has been sent by CCCU, and place it in the public record for the Comprehensive Plan, as soon as possible. Thanks!

Best Regards,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604 E-Mail  
[ccuinc@yahoo.com](mailto:ccuinc@yahoo.com)