

From: [Jeffrey Delapena](#)
To: [Cnty 2025 Comp Plan](#); [Bremer, LeAnne M.](#)
Cc: [Jose Alvarez](#); [Oliver Orjiako](#); [Jenna Kay](#)
Subject: FW: Comp Plan DEIS: Jones Comment Letter
Date: Monday, December 1, 2025 9:09:36 AM
Attachments: [Letter from Bremer to Alvarez of CCDCP re comprehensive plan EIS, 4930-0138-8412 v.1.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good day, LeAnne,

Thank you for submitting Miller Nash's feedback related to the Draft Environmental Impact Statement for the 2025 Comprehensive Plan Update.

These will be entered into the Index of Record.



Jeff Delapena
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COMMUNITY PLANNING

564.397.4558



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From: Bremer, LeAnne M. <LeAnne.Bremer@MillerNash.com>
Sent: Friday, November 28, 2025 9:26 AM
To: Cnty 2025 Comp Plan <comp.plan@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>
Cc: Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Jenna Kay <Jenna.Kay@clark.wa.gov>; steve.stuart <steve.stuart@ridgefieldwa.us>; Claire Lust <claire.lust@ridgefieldwa.us>; 'Steve C. Morasch' <stevem@landerholm.com>; Gerald Jones <zocaloranch1484@outlook.com>; jamie.howsley@jordanramis.com; 'Ezra L. Hammer' <ezra.hammer@jordanramis.com>; Stephen W. Horenstein (shorenstein@schwabe.com) <shorenstein@schwabe.com>
Subject: Comp Plan DEIS: Jones Comment Letter

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You don't often get email from leanne.bremer@millernash.com. [Learn why this is important](#)

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.

Please see the attached to enter into the record and consider.

Thank you. LeAnne

LeAnne M. Bremer, P.C.

Partner-in-Charge Vancouver Office (Pronouns: she/her)

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Our attorneys regularly offer insights to address the challenges faced by our clients. To visit the Miller Nash industry-focused blog overview page on our updated website: [please click this link](#).

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November 26, 2025

VIA EMAIL: COMP.PLAN@CLARK.WA.GOV; JOSE.ALVAREZ@CLARK.WA.GOV

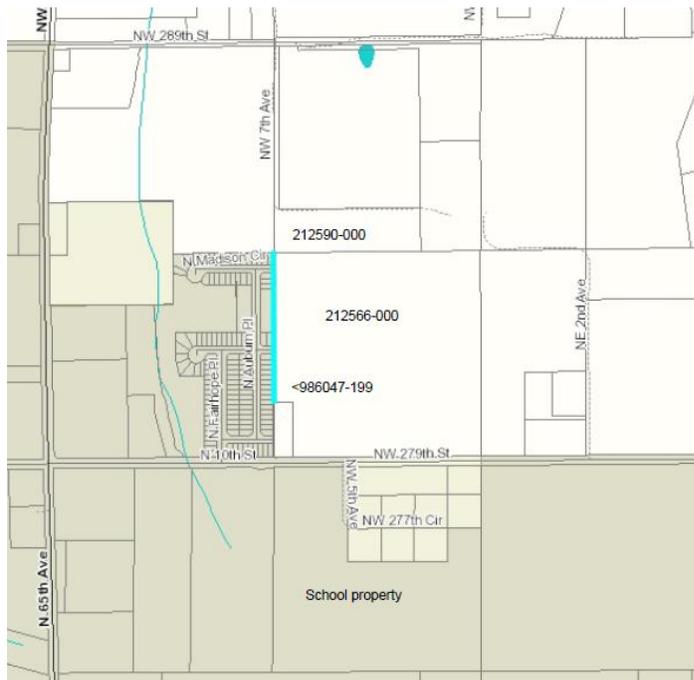
Clark County Department of Community Planning
Attn: Jose Alvarez
PO Box 9810
Vancouver, WA 98666

Subject: Clark County Comprehensive Plan EIS

Dear Jose:

On behalf of Gerald and Beverly Jones, I am submitting this comment letter on the Draft Environmental Impact Statement issued on October 1, 2025. This letter will also include comments on the recently-issued Clark County Agricultural Lands Study.

The Joneses own three parcels of the property, totaling approximately 45 acres, on the edge of the current Ridgefield city limits: tax parcels 212566-000, 986047-199 and 212590-000 (Jones Property) as follows:



The Jones Property is included in Alternative 3 studied in the DEIS.

There are at least two reasons to include the Jones Property in the Ridgefield UGA: (1) the Property does not have long-term commercial significance for agricultural production, a GMA requirement,¹ and (2) there is a need for the City to modestly expand its boundaries to meet affordable housing goals, and plan for housing at all income levels, while at the same time meeting realistic density assumptions.

The DEIS references the AG Study which fails to take into account all WAC factors when fully assessing impacts of Alternative 3

In making or retaining designations for agricultural lands, the County *shall* consider the guidelines established pursuant to RCW 36.70A.050. Under that statute, the Department of Commerce *shall* adopt guidelines to guide the classification of agricultural lands. Among the guidelines the Department adopted are the 11 factors in WAC 365-190-050(3) to assist the County in evaluating agricultural lands for long-term commercial significance under Washington’s Growth Management Act. These guidelines *shall* be the minimum guidelines for all jurisdictions while allowing for regional differences. RCW 36.70A.050(3).

In prefacing the 11 factors relevant to the long-term commercial significance factor in the WACs the Department of Commerce stated that counties and cities should consider these 11 nonexclusive criteria. The discretion, however, is that the counties and cities can consider additional criteria not inconsistent with GMA. The discretion is not that the County need not consider the 11 factors at all, or only the factors that support retaining an agricultural designation for unsuitable land. This is because the statute is mandatory, requiring the County to consider all minimum guidelines in designating agricultural lands. Astonishingly, the AG study dismisses 8 out of the 11 mandatory factors by stating that they “will not be utilized for use in the final evaluation.” The dismissed factors are:

- Availability of public facilities
- Availability of public services

¹ See Agricultural Resource Land Analysis dated July 2024 prepared by Johnson Economics, LLC previously submitted into the record.

- Proximity to Urban Growth Areas
- Land Use Settlement Patterns
- Intensity of Nearby Land Uses
- History of Land Development Permits Issued Nearby
- Land Value Under Alternative Uses
- Proximity to Markets

What’s left to be considered for potential de-designation are soils, tax status, and parcel size— all factors which skew the analysis towards retaining unsuitable property in the agricultural designation. In fact, in the current comprehensive plan, the County stated that it applied the WAC factors in the classification and designation of agricultural land.² The same should and must be done during this periodic update.

As the Supreme Court stated in the *Lewis County* case:

The GMA says that 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.” RCW 36.70A.030(10) (emphasis added). Thus, counties must do more than simply catalog lands that are physically suited to farming. ***They must consider development prospects (the “possibility of more intense uses”) in determining if land has the enduring commercial quality needed to fit the agricultural land definition.***³

Division 2 of the Court of Appeals explained that “[d]espite our Supreme Court’s permissive language suggesting that counties “*may* consider the development-related factors enumerated in [former] WAC 365–190–050(1),” *Lewis County*, 157 Wash.2d at 502, 139 P.3d 1096 (emphasis added), when addressing the third prong of the *Lewis County* test to determine if land has long-

² Clark County Comprehensive Plan 2015-2035, Page 87.

³ *Lewis County v. Western Washington Growth Management Hearings Board*, 157 Wn.2d 488, 501 (2006).

term significance for agricultural production, the regulation actually *requires* counties to consider the 10 [now 11] factors.”⁴

In the DEIS discussion on Alternative 3, page 138, it is stated that the impacts of de-designating agricultural lands would occur at the project level stage:

The transfer of land [under Alternative 3] represents approximately 5 percent of the existing agricultural lands, and as such does not represent a substantial loss of resource lands. However, similar to Alternative 2, the conversion of these agricultural lands to residential, commercial, industrial, and mixed-use land uses may conflict with surrounding agricultural lands remaining, depending on the type and intensity of development that would occur. *These impacts would be evaluated at the project level with any new development that is proposed. The conversion of these agricultural lands may also conflict with GMA rules around UGA expansion into designated agricultural lands since the county and cities do not have a program authorizing transfer or purchase of development rights and/or depending on the outcome of an agricultural resource study that evaluates the criteria for agricultural lands of long-term commercial significance (WAC 365-196-310).*

The impacts of de-designating or not de-designating agricultural lands must be studied now in this DEIS because that action is reflected in the alternatives that must be studied in the DEIS. Moreover, it would conflict with GMA and cause impacts to much needed, affordable housing supply to retain agricultural plan and zoning designations for land that does not have long-term commercial significance for agricultural production—a GMA-required prong for agricultural lands. Second, the AG study the DEIS refers to suggests severely restricting the factors the County should consider in making this call, focusing only on 3 of the 11 WAC factors, a restriction that would likely support no conversion of agricultural lands, even those unsuitable for that designation. The AG study and the DEIS are at odds with the requirements of GMA.

⁴ *Clark Cnty. Washington v. W. Washington Growth Mgmt. Hearings Rev. Bd.*, 161 Wash. App. 204, 232, 254 P.3d 862, 875 (2011), *vacated in part sub nom. Clark Cnty. v. W. Washington Growth Mgmt. Hearings Rev. Bd.*, 177 Wash. 2d 136, 298 P.3d 704 (2013).

While de-designation decisions must be based on a County-wide analysis that the DEIS and AG study provide, UGA decisions obviously concern individual parcels. For site specific requests concerning agricultural lands, the County’s UGA and de-designation analysis and decisions must be based on applying the requirements of the law—all WAC factors— and not be based on an incomplete analysis in the DEIS and AG study. These factors must be applied to individual parcels (parcels that are specifically included in the scope of the DEIS) to determine if they continue to meet the definition of agricultural lands. The DEIS fails to analyze the impacts of *not* de-designating agricultural lands at all, especially those lands that have no long-term commercial significance for agricultural production.

DEIS must take into account impacts due to lack of adequate affordable housing to serve expected population growth for residents at all income levels

The DEIS on page 1 correctly notes that the County must assess housing needs in six income groups under recent legislation. Later in the document, the DEIS tabulates the number of households since 2000, and includes discussion on median income and poverty levels, rental and owner-occupied housing, and residential density. But when discussing impacts and mitigation related to housing, the DEIS simply assumes increased densities in existing UGAs without addressing affordability. Under Alternative 1, for instance, it is stated:

As vacant and underutilized land is developed, there could be more pressure to increase densities to accommodate new residents in both urban and rural areas, though there could be less pressure to develop in rural areas with sufficient upzoning in urban areas. Accommodating all of the projected growth may require some areas within existing UGAs to develop at higher residential densities than they are currently zoned, or result in disproportionate new housing growth in those communities with excess capacity.

Page 124.

Further on this point, on page 5 of the DEIS, it correctly recognizes that “[w]ithout increasing the planned densities in some areas, or changing the growth assumptions, the urban areas as planned would not have sufficient land capacity to accommodate all of the additional housing and job growth projected for the next 20 years.” The DEIS assumes that Alternative 1 or 2 can accommodate the allocated 20-year population, but this is based on an outdated vacant buildable lands analysis required by RCW 36.70A.215, an unsupported, one-size-fits-all market

factor that presupposes a certain level of non-conversion of vacant or underutilized land to development County-wide, and unrealistic assumptions about property within current UGAs developing at densities not supported by the market or the community.

RCW 36.70A.070(2)(d) requires the County to “[make] adequate provisions” for the existing and projected needs of all economic segments of the community. In addition, RCW 36.70A.070(2)(c) requires local jurisdictions to identify sufficient land capacity for housing, including the newly defined concepts of “moderate, low, very low, and extremely low-income households” and “emergency housing, emergency shelters, [and] permanent supportive housing.” There is no content in the land use chapter of the DEIS that specifically outlines mitigation needed to address the lack of housing for moderate and low income households. There is just a generalized statement on page 140 that Alternative 2 and 3 would meet and exceed the cities’ housing growth targets, with the exception of Battle Ground, without reference to income levels.

Because the County must apply all WAC factors when assessing long-term commercial significance of potential agricultural lands, and because of the need for additional housing for all income groups based on realistic assumptions on how existing UGAs will develop, the Jones Property is an ideal candidate for inclusion in the Ridgefield Urban Growth Boundary because:

1. The parcels border the City limits.
2. Dense residential development exists just to the west of the parcels.
3. A new school site is south of the parcels (in fact the Joneses sold the parcel to the Ridgefield School District).
4. Urban services border the parcels, including sewer, water, and natural gas lines.
5. NW 279th Street will be improved to City standards with the school development.
6. The Jones Property does not have long-term significance for agricultural production given its proximity to the City limits and for the reasons detailed in their study.

Thank you for consideration of these comments.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'LAMBR', with a long horizontal flourish extending to the right.

LeAnne M. Bremer, P.C.

cc. Gerald and Beverly Jones (zocaloranch1484@outlook.com)
Oliver Orjiako (oliver.orjiako@clark.wa.gov)
Jenna Kay (jenna.kay@clark.wa.gov)
Steve Stuart (steve.stuart@ridgefieldwa.us)
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