

From: [Jeffrey Delapena](#)
To: leanne.bremer@millernash.com; [Cnty 2025 Comp Plan](#); [Jose Alvarez](#)
Cc: [Oliver Orjiako](#); [Jenna Kay](#); [Stacey Shields](#)
Subject: FW: Comp Plan EIS: Romano Development Inc. Comments
Date: Monday, December 1, 2025 9:40:56 AM
Attachments: [Letter from Bremer to Alvarez of CCDCP re comprehensive plan EIS, 4906-8577-4716 v.2.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.



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From: Bremer, LeAnne M. <LeAnne.Bremer@MillerNash.com>
Sent: Saturday, November 29, 2025 11:17 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>; Stacey Shields <stacey@romanofinancial.com>
Subject: Comp Plan EIS: Romano Development Inc. Comments

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County staff,

Please see the attached for inclusion in the record and for your consideration. Thank you.

LeAnne

LeAnne M. Bremer, P.C.

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November 29, 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 Romano Development Inc., 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.

Romano filed a site-specific request by the March 15, 2024 County deadline related to Tax Parcels 159327-000 and 159364-000, property they have an interest in (Romano Property). Romano requested that the Property be included in the Vancouver Urban Growth Area with a medium residential designation as part of the 2025 Clark County Comprehensive Land Use Plan update. Since they filed the request, Romano has had discussions with the City of Vancouver, and conducted further internal analysis. As a result, Romano is open to any urban zoning on the Property should it be included in the UGA, whether that be residential, employment or mixed-use. If the Property is not brought into the UGA, the only viable option for development is a cluster development that would result in 8 large houses on 160 acres, with the remaining land left vacant, underutilized, and unsuitable for agricultural production.

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

There are at least two reasons to include the Romano Property in the Vancouver 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 either modestly expand its boundaries to

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

meet affordable housing goals, and plan for housing at all income levels, while at the same time meeting realistic density assumptions, or provide additional employment lands.

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

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).

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).

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, not later, because that action is reflected in the alternatives that are included in and thus 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.

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, the Romano Property is an ideal candidate for inclusion in the Vancouver Urban Growth Area since it does not meet most of these factors that would justify keeping the agricultural designation. The Property can be a ‘growth’ node, as it could help meet the housing demand with a variety of products geared toward affordability, or, in the alternative, provide more land for jobs with an employment or mixed-use designation. Further support for this request includes the following:

- The Romano Property is adjacent to the current Vancouver Urban Growth Area and within a mile of five residential/industrial developments, some just some just recently completed.
- The existing zoning to the west and south are zoned single family residential and built out. The 700 acres to the east of this property was sold to DNR in 2024, by the same landowner, owner of the former Andersen Dairy Farm, as part of a preservation project for the state. This results in a significant, permanent undeveloped corridor between Vancouver and Camas. The land to the north is mixed use zoning which allows for a variety of uses.
- The Romano Property is within .50 mile of 1.5 million square feet of industrial developments. This shows proximity to intense urban uses.
- This 160-acre site has been used for farming and dairy cows since 2012. While it is currently in an AG zoning designation, the farming operations ceased in 2022 due to ecological concerns with Lacamas Creek. The current operator of the former farm noted “the property is not well suited for any agricultural use other than pasture land and for growing some hay – and the way to get the sustainable value from the pasture and hay is to feed to animals – which in turn creates issues with Ecology. We **voluntarily** shut

the dairy operations down in response to increasing concern and pressure re water issues/Lacamas Creek.”

- On page 11 of AG Study, it noted that this site is not suitable for farming, which echos the farm operator’s comments. This is due to expansive peat soils and flood plain that encompasses the land. The peat/wet soil is not viable for high value crops. Soil limits the type of farming on the site to just hay and livestock operations primarily, which are not considered to be profitable or feasible on the site. The property does not meet the GMA requirement of “long term commercial significance for agricultural production.”
- If the County were to bring this land into the Urban Growth Area, based on conversations with the City, Romano believes the City would support an annexation for a mixed use zoning that would allow for a variety of housing and jobs/employment.
- As mentioned above, the property will be severely underutilized if it is not brought into the UGA because the highest and best use would be for an 8-lot cluster development with the remaining land remaining fallow.

Thank you for consideration of these comments.

Very truly yours,



LeAnne M. Bremer, P.C.

cc. Oliver Orjiako (oliver.orjiako@clark.wa.gov)
Jenna Kay (jenna.kay@clark.wa.gov)
Stacey Shields (stacey@romanofinancial.com)