

From: [Jeffrey Delapena](#)
To: [Clark County Citizens United, Inc.](#); [Cnty 2025 Comp Plan](#); [Oliver Orjiako](#); [Jeffrey Delapena](#); [Jose Alvarez](#)
Cc: [Rebecca Messinger](#)
Subject: RE: The 1994 illegal formula is decimating rural lots in the Comprehensive Plan
Date: Monday, January 12, 2026 8:21:59 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good day, Carol,

Thank you for providing this feedback related to the Joint Hearing to select the Preferred Land Use Alternative for the 2025 Comprehensive Plan Update.

I am forwarding to additional members of Staff. Your comments will also be brought to the attention of the Planning Commission ahead of the continuation of the Hearing on Jan. 15th. This will also be added to the Index of Record.

Best,



Jeff Delapena
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From: Clark County Citizens United, Inc. <cccuinc@yahoo.com>
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Alvarez <Jose.Alvarez@clark.wa.gov>

Subject: The 1994 illegal formula is decimating rural lots in the Comprehensive Plan

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January 10, 2026

Clark County Council
Clark County Community Development
Clark County Planning Commission
P.O.Box 5000
Vancouver, Washington 98666

FOR THE PUBLIC RECORD AND THE COMPREHENSIVE PLAN

Dear Councilors, Commissioners, and Staff,

As Clark County Citizens United, Inc. (CCCU) continues to review and evaluate the January 8, 2026 Clark County joint Planning Commission /Clark County Council Hearing, one must go back to the Staff Report and the reference to the Poyfair Decision. The Superior Court decision by Judge Edwin Poyfair was an overarching legal ruling against the manner in which the Western Washington Growth Management Hearing Board took it upon themselves to dictate to Clark County how they were to comply with the law, under the Growth Management Act. The court chided the Hearing Board for going outside their jurisdictional bounds with their own legal definitions of the Act.

Of the seven items presented to the court in CCCU's appeal Case # 96-2-00080-2, the court ruled in favor of CCCU on six of those items. The only item left was the agricultural lands, which the court said the record upheld. But, at that time, the Public Record and Index was in notebook binder form, which required one to go to a building to search out discovery documents filed in dozens of three ring binders. Those documents were not in digital form and difficult to find and access critical information.

It wasn't until 2014 that CCCU found the GIS Metadata that confirmed Clark County had filed false claims to the court that the agriculture designations were done in a systematic and data driven way. The metadata disclosed that the only thing that was used to determine resource lands was aerial photography and staff interpretation. This was confirmed by the GIS employee who actually made the maps, using the photos. All of the supporting documents presented to the court by the county, describing agriculture land, was false and amounted to just story telling. If CCCU had had the ability to discover that metadata during that appeal time, the judge would have ruled in favor of CCCU for agriculture land, also. Unfortunately, when the

metadata was discovered and confirmed to be authentic, various GIS employees were fired for allowing CCCU to access that information.

One passage in the Poyfair Decision stands out among the rest as critical to what the court had to say about the process. On page 6 of the Poyfair ruling it states:

"It is evident the rural land use density regulations were driven in part by earlier Growth Management Hearing Board decision requiring urban population plus rural population to equal Office of Financial Management population forecasts..... This formulaic view of the GMA requirement is fatally flawed. There is no requirement in the GMA that the OFM projections be used in any manner other than as a measure to ensure urban growth areas are adequately sized and infrastructure in those growth areas is provided for. This Board decision, however, compelled the County to downzone substantial portions of the rural areas in order to meet the Board's apparent requirements."

"The only requirement for rural areas in the GMA is that growth in rural areas not be urban in character. While the GMA contains no restrictions on rural growth, it does require a variety of residential densities. By trying to comply with the Board's errant decision, the County violated a GMA planning goal....the Board had an end in sight and disregarded the GMA's mandate in applying an unauthorized formula to the review of the Clark County Comprehensive Plan's land use densities. The Board interpretation was erroneous,...."

One clearly sees that the formulaic view that uses a percentage ratio of urban versus rural, which at that time was 80/20, was considered illegal under the GMA. In 2005 it was changed to 90/10 and now staff is proposing to change it to 95/5. The court said such a formula was erroneous because it was not mandated by the GMA. Clark County has used that illegal formula to prevent the rural areas from growing, resulting in a cap on rural growth, since 1994. It was just a matter of time before those downzoned lots would run out. Now there are so few lots left to allow for housing and a variety of densities, that the growth in those areas has gone to 1%. The GMA did not envision that no growth would occur in the rural areas. But it is close to being a reality, and needs to be rectified soon. The GMA does not put a cap on rural growth and mandates those areas be allowed a variety of densities.

The GMA dictates that a meaningful countywide planning process must occur for all the population living within Clark County boundaries. But the county refuses to comply with those mandates. There is nothing for rural area housing growth in this 2025-2026 proposed Comprehensive Plan. Clark County planning must change course to reflect the laws that dictate that process. Clark County Citizens United, Inc. does expect the county to be compliant to the courts, and make corrections that rely on the requirements spelled out in the Growth Management Act RCWs and WACs.

Sincerely,

Carol Levanen, Exec. Secretary

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