

From: [Jeffrey Delapena](#)
To: [Bremer, LeAnne M.](#)
Cc: [Oliver Orjiako](#); [Jose Alvarez](#); [Rebecca Messinger](#)
Subject: RE: Submission to Planning Commission and BOCC for January 15th Hearing
Date: Monday, January 12, 2026 1:12:00 PM
Attachments: [Memo from Bremer to PC and BOCC \(formatted\) 4919-6536-5383 v.1.docx](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good day, LeAnne,

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 be brought to the attention of the Planning Commission and Council ahead of the continuation of the Hearing on Jan. 15th. This will also be added to the Index of Record.

Best,



Jeff Delapena
Program Assistant
COMMUNITY PLANNING

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From: Bremer, LeAnne M. <LeAnne.Bremer@MillerNash.com>
Sent: Monday, January 12, 2026 1:01 PM
To: Jeffrey Delapena <Jeffrey.Delapena@clark.wa.gov>
Subject: Submission to Planning Commission and BOCC for January 15th Hearing

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Jeff, can you make sure the attached gets into the record and to PC and BOCC members in advance of Thursday's hearing? Thank you. LeAnne

LeAnne M. Bremer, P.C.

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

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Memorandum

VIA EMAIL: JEFFREY.DELAPENA@CLARK.WA.GOV

To: Clark County Planning Commission
Board of County Councilors
c/o Jeffrey Delapena

From: LeAnne M. Bremer, P.C.

Subject: Gerald and Beverly Jones
Romano Development Inc.

Owners of Properties to be Included in the UGAs

Date: January 12, 2026

Introduction

Miller Nash LLP represents two parties who own or have an interest in properties on the edge of current city limits further described below. Ahead of the January 15th hearing, I am submitting this written testimony that will be summarized at the hearing. This testimony will focus on the County's requirement to de-designate agricultural lands that no longer meet the required GMA criteria. It is a violation of GMA not to de-designate these lands. Lands that do not meet any one of these criteria must be de-designated:

1. is characterized by urban growth ("characterized by urban growth" refers to land having urban growth located on it, *or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth*¹);
2. is not primarily devoted to the commercial production of agricultural products enumerated in RCW 36.70A.030(2), including land in areas used or capable of being used for production based on land characteristics; **or**

¹ RCW 36.70A.030(48).

3. that does not have long-term commercial significance for agricultural production, as indicated by soil, growing capacity, productivity, and whether it is near population areas or vulnerable to more intense uses.

*Lewis County v. Western Washington Growth Management Hearings Bd.*²

As an initial matter and in response to testimony at the hearing, economics do factor into the analysis. The long-term commercial significance criterion speaks to this directly. At last week's hearing, reference was made to the case of *Clark County Washington v. Western Washington Growth Management Hearings Review Bd*³. There, the Court stated:

Although neither the GMA nor WAC prioritizes the WAC factors, the Growth Board correctly determined that the County committed clear error because it focused almost exclusively on diversifying La Center's economy and other economic considerations while ignoring the other WAC factors and local agricultural needs. Our Supreme Court previously suggested that economic considerations cannot be outcome determinative because “[p]resumably, in the case of agricultural land, it will always be financially more lucrative to develop such land for uses more intense than agriculture.”⁴

The court confirmed that economic considerations reflected in a number of the WAC factors related to the long-term commercial significance criterion are among those to be considered—they just cannot be the only considerations. It would be clear error for the County not to consider all the WAC factors in deciding whether to de-designate agricultural lands or not, as further detailed below.

Testimony to be Provided at the Hearing

Jones

Gerald and Beverly Jones own three parcels of the property, totaling approximately 45 acres, on 279th next to the City of Ridgefield City limits. The City testified that it supports including

² 157 Wn.2d at 502, 139 P.3d 1096.

³ 161 Wash. App. 204, 254 P.3d 862 (2011).

⁴ *Clark Cnty. Washington v. W. Washington Growth Mgmt. Hearings Rev. Bd.*, 161 Wash. App. 204, 242-43, 254 P.3d 862, 880 (2011), *vacated in part sub nom. Clark Cnty. v. W. Washington Growth Mgmt. Hearings Rev. Bd.*, 177 Wn.2d 136, 298 P.3d 704 (2013).

these properties and others in the UGA to meeting their planning goals, which should be given deference.

Portion of Former Andersen Farm Property

These are two parcels on 162nd around 58th street just south of Fourth Plain totaling about 160 acres, adjacent to the City of Vancouver city limits.

Reasons

We support an alternative that includes site specific requests such as these on the edge of or near current city limits, even properties designated AG.

There are at least three reasons to include these properties in the UGA:

1. The properties are characterized by urban growth;
2. the properties do not have long-term commercial significance for agricultural production; and
3. there is a need for the County to modestly expand the boundaries to meet affordable housing goals, and plan for housing at all income levels, while at the same time meeting realistic density assumptions.

Each property owner and others will also testify in support of adding these properties to the respective UGAs given the time constraints on testimony, but the record contains plenty of support for their requests including individual AG studies.

A word about the County's AG study

The County should not make de-designation decisions based on the recommendations in the AG study because the recommendations are not compliant with GMA.

In making or retaining designations for agricultural lands, the County *must* consider the guidelines developed by Commerce.

Among the guidelines Commerce adopted are the 11 factors in WAC 365-190-050(3) to assist the County in evaluating agricultural lands for long-term commercial significance.

Surprisingly, 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.” But they are not optional.

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

All these factors are relevant and must be considered for de-designation decisions. It would be clear error not to consider them.

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

The [county] 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.

In addition, it would conflict with GMA and cause impacts to much needed affordable housing supply to retain AG designations for land that does not have long-term commercial significance for agricultural production.

The County agreed to consider site specific requests in this update and must apply all WAC factors to these requests. Compliance with GMA is not achieved by retaining inappropriate lands in the AG designation.



cc: Stacey Shields
Larry Brown
Scott VanGelder
Gerald Jones