

From: [David McDonald](#)
To: [Sue Marshall](#)
Cc: [Kathleen Otto](#); [Rebecca Messinger](#)
Subject: For The Record--Preferred Alternative
Date: Monday, April 27, 2026 4:35:02 PM
Attachments: [McDonald Comments-Pref Alternative-260427.pdf](#)
[Untitled attachment 00020.htm](#)

Chair Marshall/County Manager Otto:

Unfortunately I am not able to be at the hearing tonight. Attached are the oral presentation I had intended to give.

Thank you for all your work.

Best,

David T. McDonald
david@mcdonaldpc.com

April 27, 2026

Chair Sue Marshall
Clark County Council
% Kathleen Otto, County Manager
Rebecca Messinger
Public Services Center
6th Floor
1300 Franklin Street
Vancouver, WA 98660

RE: Comments *For the Record* for Comprehensive Plan Update Re: Preferred Alternative¹
By email only to Sue Marshall at sue.marshall@clark.wa.gov, Kathleen Otto at kathleen.otto@clark.wa.gov and Rebecca Messinger at rebecca.messinger@clark.wa.gov.

Dear Chair:

The Comprehensive Plan update is a long process guided by statutes and rules. The County's 2025 Comprehensive Plan update started 6 years ago when the Council appointed a variety of stakeholders to the BLPAC. Since then, there have been dozens of hearings, several work groups, reams of written public comments and, importantly, the Council passed several resolutions that form the foundation of this process including the adoption of the Buildable Lands Report, the adoption of the OFM number and the resolution on Population, Housing and Employment Allocation. No stakeholder appealed any of these resolutions and they form the solid legal and factual foundation of this update. The process is important because, due to its length, many changes occur. During this update elected officials and decision-maker have changed, the County Manager has changed, members of the Planning Commission have changed and, yet, the process continues to move forward as required by the GMA. Clark County is fortunate to have had Dr. Orijako and Mr. Alvarez and, until recently, Chris Cook, guiding this process from the beginning.

Two points

First, the County's model establishes that *all* forecasted growth consistent with the adopted OFM number, and allocated to the cities, can be accommodated in the existing UGAs. Thus, there is no legal reason to expand any existing growth boundary. A legal full stop if you will. The fact that *all* forecasted growth consistent with the adopted OFM number, and allocated to the cities, can be accommodated in the existing UGAs has been stated multiple times in the record by County staff and the County Manager. It has also been highlighted by myself, other individuals and a variety of advocacy groups based upon the County's own data.

¹ My name is David McDonald. I am submitting these comments in my own name, and not on behalf of any other group or organization. Although I am an attorney, I am speaking for myself as a 40-year resident of this county who happens to also have a law degree. Since 1985, I have served on dozens of committees regarding land use issues, including many involving the first Comprehensive Plan and the updates that followed. I have been involved as a citizen and as an attorney in multiple legal actions in front of the Growth Board tribunals and the Washington courts. I have authored legal submittals that have been adopted by the County as part of their Comprehensive Plan updates and have brought legal challenges against the County on a variety of policies that they have adopted regarding land use under SEPA and the GMA.

Chair Sue Marshall
Clark County Council
% Kathleen Otto, County Manager
April 27, 2026

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Some may think the VBLM is an imperfect tool. Whether that is the case or not

-it is the tool that we use

-it is the tool that we took over 2 years to produce

-it is the tool that has been approved by the Department of Commerce and adopted by the County by formal resolution and

-it is the tool by which our plan will ultimately be judged by the GMHB and the Courts.

So, although one may disagree with the methodology and/or the findings and conclusions of the BLM Report, the adopted OFM adopted number and/or the numbers allocated to the cities under the Population, Housing and Employment Resolution, those adoptions are the framework by which our plan will be judged as to compliance with the GMA. If we stray from those findings, the likelihood of being out of compliance is likely.

Second, the land that three Cities want to include in their proposed expansions are designated AG 20. The County, at the demand of the cities and some property owners, assumed the burden of commissioning a comprehensive county-wide Agricultural Resource Lands Study. The County paid a highly respected *expert*, EconNorthwest to conduct the study. The *expert* followed the RFP and the contract to the letter, including using and evaluating all the required legal criteria. Thus, the *expert* the County hired, specifically for their expertise, did *exactly* what the County requested and paid them to do.

The *expert* study clearly and conclusively found that the designated AG 20 lands that the cities propose to bring into their UGAs *still meet* the legal criteria for Ag Lands of long-term commercial significance. The cities, and others, do not like that result. However, it is the County's study, completed in compliance with the legal criteria and therefore its findings must control the designations of those lands. The County commissioned *expert* study, along with its findings and conclusions, combined with the current designation, will be the findings by which the County's final updated plan will be judged by the GMHB and the Courts.

So, after 6 years, thousands of hours of work by the County and a plethora of stakeholders, it now comes down to these two simple principles: 1) the County's model establishes that *all* forecasted growth consistent with the adopted OFM number, and allocated to the cities, can be accommodated in the existing UGAs. Thus, there is no legal reason to expand any existing growth boundary and 2) the designated AG 20 lands that the cities propose to bring into their UGAs *still meet* the legal criteria for Ag Lands of long-term commercial significance and thus cannot be de-designated.

Thank you for your consideration of these comments

Sincerely,


David T. McDonald