From: Oliver Orjiako
To: Jeffrey Delapena
Cc: Jose Alvarez
Subject: FW: FOCC"s omments to Council regarding Comprehensive Plan Update
Date: Wednesday, September 30, 2026 11:06:04 AM
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From: Ann Foster <annfoster5093@gmail.com>
Sent: Wednesday, September 30, 2026 10:54 AM
To: Sue Marshall <Sue.Marshall@clark.wa.gov>; Wil Fuentes <Wil.Fuentes@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Matt Little <Matt.Little@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>
Subject: FOCC's omments to Council regarding Comprehensive Plan Update

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 letter from Friends of Clark County with comments for the Council's consideration in its final deliberations on October 2.

We express our gratitude to you all for the years of hard work on this effort.

Best,
Ann Foster, President
Friends of Clark County

Friends of Clark County

PLANTING THE SEEDS OF RESPONSIBLE GROWTH

September 29, 2026

TO: Clark County Council, County Manager Kathleen Otto, Director of Community Planning Oliver Orjiako

cc: Rebecca Messinger

RE: Comments regarding the 2025 Comprehensive Plan Update, final public hearing, October 1, 2026

Dear Chair Marshall, Councilor Fuentes, Councilor Little, Councilor Yung, Councilor Belkot, Ms. Otto, Dr. Orjiako:

My name is Jim Byrne. I am a Board member of the Friends of Clark County [1] (FOCC) Board of Directors. I am speaking on behalf of the organization, our individual members, and in my personal capacity as a resident of Clark County.

FOCC has participated at every stage, and commented on every aspect, of this update since 2020. Our members have served on the Buildable Lands Project Advisory Committee (BLPAC), CAG and Agricultural Advisory Commission.

Our main premises have been resolute, and consistent, throughout this update. To put it most succinctly:

> 1) All the County's forecasted growth, with limited exceptions, can be accommodated within the existing UGAs, and state law prevents the county from legally expanding its UGAs where all the forecasted growth can be accommodated within those boundaries; and
> 2) Nothing in the County's own Agricultural Resource Lands Study shows that the designated AG lands the cities propose to assimilate into their expanded UGAs no longer meet the legal criteria for designation. Thus, there is no legal justification for de-designating those lands, especially given that there is no legal justification for expanding the UGAs.

FOCC has filed 54 specific comments on behalf of the organization and other FOCC members and FOCC affiliates have filed many scores of additional specific comments.

[1] FOCC is a 501(c)(3) Washington State non-profit corporation that works collaboratively with community partners and policy makers to keep Clark County a beautiful and healthy place to live, work, and play. FOCC works collaboratively with community partners to improve the quality of life and economic viability of our community, for all citizens of Clark County. FOCC supports

smart growth that allows for economic development in balance with protecting the area's precious resources and community assets. Many members and supporters of FOCC are landowners and residents of Clark County. FOCC Board members, staff, supporters and regular members regularly participate in the many public processes by writing emails, letters, and providing testimony at public hearings concerning many land use and quality of life issues. FOCC has participated in each phase of the Comprehensive Plan update both with individual members and as an organization

No Legal Justification for Expanding Any UGA or De-designating Any Agricultural Lands

Throughout this entire process, FOCC has maintained that all the forecasted growth can be accommodated within the existing urban growth areas (UGAs) and there is no legal or factual justification for expanding those existing UGAs. The County's own work supports FOCC's position based upon the Buildable Lands Analysis that was adopted by the County, the adopted Office of Financial Management (OFM) population forecast and Resolution 2024-05-05 on Population, Housing and Employment Allocations (adopted May 21, 2024). In addition, FOCC has placed documents in the record generated by the consultants for Ridgefield and La Center that also admit that those cities' UGAs can accommodate all the forecasted growth.

Both the County's legal counsel, Christine Cook (now retired), and the Department of Commerce have advised that adopting the Preferred Alternative would invite a legal challenge that is likely to succeed.

. First, the Department of Commerce (Commerce) did not find the county's land capacity analysis identified insufficient land use capacity" and recommended "the county ***clearly*** identify that they have insufficient capacity for housing needs…" (emphasis supplied).

. Second, Commerce stated that they "did not find sufficient analysis supporting the proposed expansions of various urban growth areas outside of Vancouver to meet future population and growth targets" and Commerce found that from their "understanding of the County's Vacant Buildable Lands Model (2023), it appears the current urban growth area boundaries are sufficient for the projected population increases expected within Clark County".

Thus, similar to our point, the problem is that the County cannot provide such an analysis because the County's own planning documents and resolutions (including the County's adopted Buildable Lands Report, the OFM population forecast and the Population, Housing and Employment Allocation Resolution) ***all*** support a finding that the County ***does*** have sufficient land capacity to accommodate the housing needs.

. Thirdly and very importantly, the Final Environmental Impact Statement (FEIS) agrees with our position: "Given the planning assumptions for growth rate and jobs/acre, the Preferred Alternative exceeds the land capacity needed to accommodate the housing and job growth projected for the next 20 years" (Vol. 1 at 4). That statement alone should end the discussion.

FOCC has also consistently, and regularly, asserted that the existing agricultural lands of long-term commercial significance (ALLTCS) are not subject to de-designation and the County's own county-wide Agricultural Resource Lands Study clearly supports FOCC's position that the lands that the County has put in the Preferred Alternative cannot be legally de-designated, much less

incorporated into any of the existing UGAs. Support for this position is directly found in the Commerce letter and within the GMA.

Commerce states:

> In our review of the draft comprehensive plan and agricultural lands study, we did not find any discussion that the lands proposed for de-designation no longer meet the designation criteria and, due to the fact that the "land capacity, UGA expansion and de-designation of resources lands are inherently intertwined…we recommend either:
>
> i. Removing the areas proposed to be designated [from the] various urban growth area expansion proposals after the documentation that the land capacity analysis demonstrates adequate capacity; or
>
> ii. Including additional justification and analysis, ***consistent with the RCW,*** that demonstrates the need for expansion of the various urban growth areas and for the de-designation of the associated resource lands.

Not to put too fine a point on it but, as to land capacity and the proposed expansion of the UGAs, Commerce is correct that the County's VBLM establishes (and County staff has repeatedly confirmed), that the existing UGAs have the capacity for the expected population increases and thus there is no need for expansions.

Also, the GMA's agricultural provisions "evidence a legislative mandate for the conservation of agricultural land" (King County v. Cent. Puget Sound Growth Mgmt. Hearings Bd., 142 Wn.2d 543, 562 (2000)). Yet the County's FEIS never identifies any de-designation criterion because none exists. In fact, the County's own Agricultural Resource Lands Study (ECONorthwest, 2025) found 96 percent of designated agricultural acres are Prime Farmland or Farmland of Statewide Importance.

It is a fact that the Growth Management Hearings Board (GMHB) has also repeatedly invalidated such de-designation: the 2007 farmland de-designations (No. 07-2-0027, holding that the County's "desire to further economic development can not outweigh its duty to designate and conserve agricultural lands") and the 2016 UGA expansions and 602-acre rural industrial land bank (No. 16-2-0005c). The Court of Appeals upheld the land bank ruling in 2019, and the County returned those 602 acres to agricultural zoning (Ordinance 2019-11-16).

FOCC notes that any finding of invalidity by the GMHB can put millions in state grants at risk and, currently, the County is non-compliant with the GMA and subject to loss of some loans and grants until it comes into compliance.

Designation of Agricultural Lands

FOCC asserts that the Preferred Alternative is flawed because it fails to address all of the lands that the County's Agricultural Resource Lands Study found meet the legal criteria for agricultural lands of long-term commercial significance. The FEIS's failure to evaluate the potentially significant adverse environmental impacts of leaving those lands undesignated, and thus potentially lost to development, is a significant omission.

FOCC joins the twelve community organizations that acknowledge and support the fact that there is no legal justification for de-designating any agricultural lands. The County's own FEIS, Agricultural Resource Lands Study, and litigation history all point in one direction; we urge you to adopt a plan that follows the law.

Climate Resiliency

The legislature directed the County via House Bill 1181 in 2023 to add a mandatory climate change and resiliency goal. Local comprehensive plans must now integrate climate elements that prioritize environmental justice, reduce greenhouse gas (GHG) emissions, improve community resilience to natural hazards, and reduce per capita vehicle miles traveled. The Preferred Alternative fails to meet these goals. FOCC recommends that the County Councilors adopt the climate goals and policies as included in the Comprehensive Plan Update draft, but with a more aggressive countywide target of net-zero greenhouse gas emissions by 2040. We believe the County should follow the policy set by the City of Vancouver

Furthermore, RCW 36.70A.070(9)(e)(i) requires the plan's resiliency subelement to "prioritize actions that benefit overburdened communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change." This was brought to the attention of the Planning Commission by Futurewise in its August 20, 2026, letter containing comments focusing on Climate Element Requirements.

Concurrency

The Transportation element within the FEIS shows a lack of transparency and inadequate review of future revenue assumptions as well as a failure to adequately address growth in relationship to the County's Capital Facilities Plan and concurrency requirements. Statutory requirements for periodic updates and reassessment are unmet, risking non-compliance and undermining plan validity until impact fee analysis is completed and disclosed. The County is currently $500M short of funding the current transportation plan.

Concurrency exists "to assure that those public facilities and services necessary to support development are adequate to serve that development at the time it is available for occupancy and use, without decreasing service levels below locally established minimum standards" (WAC 365-196-840(1)(a)). This has not been the case in Clark County, particularly involving the lands associated with the 179th Street Holding District.

FOCC recommends a moratorium on new applications for development in order to enable the funding and implementation of the required infrastructure in existing development projects.

FOCC also strongly supports the removal of "cluster developments" in rural zones (R-5, R-10, R-20) as an option (loophole) for developers. Cluster developments enable the continuation of

sprawl in rural Clark County by building single family homes on 1-acre parcels inn rural CLark County.

The County is also underserved for parks, falling short of level-of-service (LOS) standards (≈30%), especially given projected growth. Even before accounting for future growth, funding for parks, trails, and open space is insufficient. That shortfall affects not only quality of life for a growing population but also ecosystem integrity, environmental resilience, and climate equity.

Since 1996, Friends of Clark County has worked for a future that balances growth, the preservation of prime agricultural land, and meaningful climate action, and we submit these comments on behalf of our many members and supporters. The County's own record shows that forecast growth fits within the existing UGAs and that its designated farmland still meets the GMA's criteria.

We urge the Council to adopt a plan that keeps growth within the existing UGAs, retains all designated agricultural land, and meets the GMA's climate, open space and concurrency requirements.

Best regards,

Jim Byrne, Board of Directors, Friends of Clark County

Ann Foster, President, Friends of Clark County