



County growth plan suspended on basis of petition

Judge will decide if policy can be changed by a referendum



(http://16749-presscdn-0-94.pagely.netdna-cdn.com/wp-content/uploads/2015/11/1112_met_rural-land-770x0-c-default1.jpg)

Aerial photo of homes in a rural area of Clark County photographed April 10, 2015. (Kaitlin Gillespie/The Columbian)

By **Katie Gillespie (/author/katiegillespie)**, Columbian County Government Reporter

Published: July 12, 2016, 8:23 PM

2

Clark County's 20-year growth plan is on hold after a local political activist filed a referendum petition targeting the policy.



Christian Berrigan, state committeeman for the Clark County Republican Party, filed a petition Friday to suspend Clark County's Comprehensive Growth Management Plan update. The county council approved the final growth plan update on June 28 after several years of work.

Berrigan, who did not return a request for comment, submitted 137 valid signatures to the Clark County Elections Office, Elections Supervisor Cathie Garber said Tuesday. Under the county home rule charter, it takes only 100 valid signatures to set the referendum process in motion.

The next step will be for the Clark County Prosecutor's Office to write a proposed ballot item. Berrigan will then be tasked with collecting 19,351 signatures — 10 percent of the county's votes cast in the last gubernatorial election — within 120 days to get the item on a general election ballot.

Plan suspended

Washington's Growth Management Act requires some counties, including Clark County, to adopt comprehensive growth management plans. According to the Municipal Research and Services Center, ordinances adopted under the GMA are not subject to referendum. But until a Clark County Superior Court judge weighs in, the comprehensive plan is, for now, suspended.

In public comments made to the Clark County council, Berrigan supported Alternative 4, the zoning plan written by Republican Councilor David Madore. That controversial plan would have allowed rural residents to subdivide their property into smaller lots.

The county council ultimately ended up adopting what was branded as a compromise: parts of Alternative 2, a staff-developed zoning plan allowing some rural landowners to subdivide their property, though not to the extent of Alternative 4.

Owners of forest property zoned for a minimum lot size of 40 acres can now subdivide to 20 acres, while those with agricultural property zoned for a smallest lot of 20 acres can subdivide to 10 acres. Some rural housing parcels zoned for a minimum lot size of 20 can be subdivided to 10 acres.

However, rural property owners can't subdivide as long as the plan is suspended.

Community Planning Director Oliver Orjiako acknowledged the irony.

"I'm not sure that is what the filers of the referendum intended," he said.

The referendum petition also prohibits the cities of Battle Ground, La Center and Ridgefield from processing annexation requests for property brought into their urban growth areas in the comprehensive plan, Chief Civil Deputy Prosecutor Chrs Home said.

"The people it's going to impact the most immediately will be the cities or any person that wants to seek to annex based on the comp plan," he said.

Authority in doubt

And there's still the question of whether a referendum on the comprehensive plan is possible.

"Any ordinance adopted pursuant to the GMA is not subject to the power of referendum, because the legislature specifically delegated the power to act under GMA to the legislative authority of a city or county and not to the corporate entity," according to the Municipal Research and Services Center's guide on initiatives and referendums.

Clark County's home rule charter clarifies further, saying ordinances required by state or federal law — like the Growth Management Act's requirement of a comprehensive plan — are not subject to referendum.

The Clark County council could request a review to determine whether the petition is a legal referendum or not.

This is the second referendum petition Berrigan has filed this year. In May, he petitioned to overturn the county's rules of procedure in protest of the council's decision not to adopt Robert's Rules of Order. Until it's resolved, those rules are suspended and the county operates under its previous rules, which also don't include Robert's Rules.

Berrigan has until Oct. 15 to collect 19,351 signatures in that matter, Garber said. It would then appear on the Nov. 2017 ballot.

Katie Gillespie (/author/katiegillespie)





Columbian County Government Reporter

☎ 360-735-4517

👤 @newsladykatie (<https://twitter.com/newsladykatie>)

✉ Send an Email (<mailto:kaitlin.gillespie@columbian.com>)

9 Comments

Sort by **Newest**



Add a comment...



Stuart L. Riley · Vancouver, Washington

This should make Berrigan a very popular man in the county. Yes indeedy.

Reply · 👍 2 · 18 hrs



Linda Noble Tubbs · Vancouver, Washington

Turns out these folks really did like the charter after all. Quoting Alainis Morrisette, Isn't it ironic?

Reply · 👍 6 · 21 hrs



Bridget McLeman

Let's waste more time, money and energy. Let's invest more money in legal fees. Let's keep the courts (staff, Council members and the citizens) busy on stupid stuff. Let's abandon good governance in Clark County. Mr Berrigan and the Clark County Republican Party are doing a fine job advancing these goals.

Reply · 👍 9 · Jul 13, 2016 12:25am



Bridget McLeman

And, of course, we can look on the bright side. This will put on hold any subdivision/down zoning of lots (and there were a lot allowed) under the adopted alternative which will give the Growth Management Board (which has expressed reservations about the current plan) time to review and reject the reduction in resource lands adopted under the new plan. Way to go, Berrigan.


Reply · 👍 3 · 19 hrs



Carolyn Crain · Western Business College, Portland, OR

The county party leadership is acting unfortunately to the marching orders of Madore and ilk. I truly wish it would end and that they would adhere to the laws as laid out and to the charter. Truth is they do not adhere to their own party by-laws so I guess most of us are simply left wishing. If the people will join me and vote the "rogue" players out both in the elected offices and in the pco seats we can see a restoration of proper civil discourse. I do realize that this comment will not be popular with all but heck let's face it

or proper civil discourse. I do realize that this comment will not be popular with an but heck let's face it... they weren't going to vote pro-Carolyn anyway. This isn't about me, it is however, about the county!

Reply ·  8 · Jul 12, 2016 11:54pm



Kirk VanGelder · Textbook Author at Jones & Bartlett Learning

Carolyn Crain - YOU are LYING again...Madore doesn't tell any of us what to do. You are just bent because you and your ilk are out of power (that has been handed over to the people) and know you can't take it back legitimately, so you decieve and smear. And when you say its not about you and then you ask if "people will join me and vote the "rogue" players out.", its about you. And YOU are one of the most devisive people I know.

Reply ·  1 · 17 hrs



John Ley · Camas, Washington

The people have spoken, via the Charter. Their elected representatives put this "tool" into the Charter, to insure the voice of the people would be heard.

Clark County was the ONLY county in Washington state to INCREASE minimum lot sizes in rural areas, in their original GMA plan. At a time when cities have been lowering minimum lot sizes, to accomodate growth, we need to restore lost property rights to our rural land owners.

When 60% or rural R-zoned lots are non-conforming, when 70% of AG-zoned lots are non-conforming, and 80% of Forest-zoned lots are non-conforming, the problem isn't the people who own the land; it's their government and "the plan".

Reply ·  3 · Jul 12, 2016 11:46pm



Bridget McLeman

The people have spoken. They voted for the charter which precludes referendums on ordinances required by state or federal law. It would be nice if Mr. Berrigan and the CCCU read it. Instead of wasting citizen, Council, staff, lawyers (well, I guess they get to make money unlike the rest of us who get to pay the cost) time, energy and angst on spurious motions that will be ruled out of compliance with the law.

Cities, by definition, are 'denser' the rural areas. The irony is that you are pushing for alternatives that will increase density in rural areas - - ultimately threatening that very rural lifestyle that proponents claim is what makes living in the country so special.

Reply ·  7 · Jul 13, 2016 12:20am



Loren Lee

Bridget McLeman . . .sadly John Ley and the other Madore cult members can't grasp the concept of 'irony'.

Their advocacy for 'private property rights' above all else is really about misguided and flawed interpretations of the rule of law. They are saying in effect "I should get to do whatever I want" which leads to anarchy and land use chaos more like Somalia then the U.S. and let the societal and environmental costs be damned.

Reply ·  4 · 22 hrs · Edited



Sam Atkinson · Chambersburg Area Senior High School



Clark County · Chambersburg Area Senior High School

CCGOP expects to be taken seriously? Where your BRIDGE. No follow through. How can you clowns be trusted. Traders to your own people.

Reply · 1 · 21 hrs



Bridget McLeman

Loren Lee And yet I see CCCU lobbying staff long and hard to resolve a zoning issue where a landowner was running a kennel on his property that neighbors didn't like. Or the guy who was dumping chemicals on his property that CCCU worked long and hard to have code enforcement stop? (PRR) Property rights? Freedom to do what you want to do with no government interference on your own land?

Reply · 2 · 19 hrs



Stuart L. Riley · Vancouver, Washington

This boondoggle will be just as successful as your frivolous BRT lawsuit.

Reply · 1 · 18 hrs



Jared McClanahan

You rarely get everything you want in both life and politics.

The new plan has a LOT of downzoning but not as much as some folks wanted.....but more than some other folks wanted. That's democracy.

Reply · 12 hrs



John M. Kowalski · Camas, Washington

"Clark County's home rule charter clarifies further, saying ordinances required by state or federal law — like the Growth Management Act's requirement of a comprehensive plan — are not subject to referendum."

As David Madore wrote, "Should we dismiss the plain reading of our laws and defer our common sense by ascribing special gifts of insight only gifted to enlighten high priests called attorneys? "

It would seem to me that the "plain reading" of the home rule charter would mean that David Madore has done yet another stupid thing.

Madore apologists, if you want Lou Brancaccio to stop writing about Madore, tell Madore to stop having stupid things like this done, or, on the remote possibility that Madore was unaware of this or the consequences of such acts, tell him to hire a competent attorney to prevent stupid stuff like this from happening in the future. But it's clear which party should bear these costs. Maybe we could sue the CCRP for the losses incurred by us taxpayers.

Reply · 14 · Jul 12, 2016 10:00pm · Edited



Jim Maynard · Works at Retired

More mischief from Berrigan!

Reply · 3 · Jul 12, 2016 9:34pm



Mike George

What a load of bull pucky chicken droppings. But then what else is new in Clarkistan County?

Reply · 2 · Jul 12, 2016 9:32pm



Fran Hammond · Vancouver, Washington

Well then, stop ALL BUILDING in Clark County until this is resolved! That should work! It is a better idea than Madore or Barrigan can seem to come up with!

Stop the madness, little boys, and get to work on issues that mean something to more than two vocal women from North County!

Reply · 10 · Jul 12, 2016 9:28pm



Kirk VanGelder · Textbook Author at Jones & Bartlett Learning

Fran Hammond - I am a rural land owner and I assure you that I am not "two vocal women from North County." If you want to tell me what I can and can't do with my land then please buy it from me at fair market value. I will gladly sell it and move further away from the whackos in the couvistan. I don't tell you what you can do with your property, don't tell me about mine. If YOU want to keep it barren for Sunday drives, then buy it and do as you please.

Reply · 17 hrs



Fran Hammond · Vancouver, Washington

Kirk VanGelder - I grew up in rural Clark County, still have several friends and relatives there. In fact, my family goes back to 1887 here. We are told what we can and cannot do with our property regardless of what area you live in, so that argument is worthless. I am currently moving due to over-building in the neighborhood that we have lived in for 38 years! It is my choice to move, you could do the same! If you owned your property prior to 1993, I do sympathize. Otherwise, you knew what was going on when you bought it, or should have! Adding to that, there are circumstances and methods available for conditional use, designation changes, hardship and other means to achieve your goals without affecting the entire county! For those wanting to split because they have too many kids per acre, I have no sympathy!

Reply · 2 · 16 hrs

Facebook Comments Plugin

[Community guidelines](#)
[\(/guidelines/\)](#)

BLOGS (HTTP://BLOGS.COLUMBIAN.COM)