



Growth referendum to go before a judge

Madore, Mielke unmoved by legal rulings on land use, referenda



(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

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Two Clark County councilors could not be swayed by overwhelming legal opinion Wednesday that the county's 20-year growth plan cannot be subject to a referendum.



The Clark County council, falling into its familiar voting blocs, voted 3-2 to send a referendum petition about the county growth plan filed by political activist Christian Berrigan to Clark County Superior Court. Berrigan, the state committeeman for the Clark County Republican Party, submitted 137 valid signatures to the Clark County Elections Office on Friday to suspend the Comprehensive Growth Management Plan Update.

Council Chair Marc Boldt, no party preference, and Republican Councilors Julie Olson and Jeanne Stewart voted to ask a judge to offer a declaratory judgment finding that the growth plan cannot be the subject of a referendum.

Republican Councilors David Madore and Tom Mielke voted to allow Berrigan to continue to collect signatures in order to put the growth plan on a ballot.

But ordinances approved under the Growth Management Act, such as the comprehensive plan, are not subject to referenda. Deputy Prosecutors Chris Home and Jane Veto cited a 2006 decision by the state Supreme Court that ruled ordinances approved under the Growth Management Act are not subject to referenda.

The Municipal Research and Services Center further emphasizes that point. According to a guide on initiatives and referendums, ordinances adopted under the Growth Management Act are not subject to the power of referendum

Additionally, Clark County's home rule charter states that ordinances required by state or federal law, such as the comprehensive plan, are not subject to referendum

That overwhelming evidence failed to convince Madore and Mielke, however

"The First Amendment of the Bill of Rights provides to the citizens the freedom to address their citizen representatives their grievances," Madore said in a plea to his fellow councilors "We have a problem here that they are bringing to our attention "

Mielke said he didn't believe the case law the county attorneys referenced was "quite the same" as Bernigan's petition

"Listen to the people, then let them judge," Mielke said

"That's a waste of citizens' time," Boldt replied

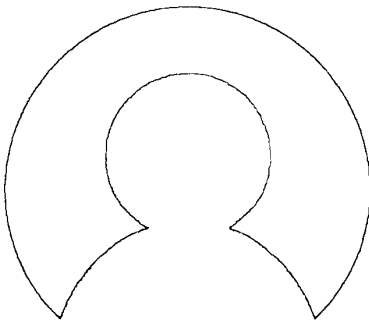
Olson and Stewart, meanwhile, accused Madore of attempting to spin the decision into more evidence that they're opposed to rural property rights

Olson also refuted Madore's claim that "part of the selling point" for the charter was to offer voters the right to a referendum

"The charter specifically states that this is not an item that is subject to referendum," she said "It is contrary to the charter, and it is contrary to state law "

After about 20 minutes of arguing, the council voted to send the referendum to a judge

Bernigan has not returned a Columbian reporter's request for comment on his petition



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**Tami Brewster**

It just seems that Madore is intentionally working to cause delays and added cost to county work. He needs to be held accountable for this.

Reply · 8 hrs

**Bridget McLeman**

At least one elected official got it right:

Peter Van Nortwick on David Madore's FB page: "I wish you would have thought this out because this action delays citizens from being able to divide their property and does nothing to get better zoning for the people you want to help."

Reply · 8 hrs

**Stuart L. Riley** · Vancouver, Washington

I think the water at Madore's and Mielke's houses should be tested for lead. That's the only logical explanation for their erratic behavior.

Reply · 2 · 9 hrs

**Jim Maynard** · Works at Retired

No, lead in the water is not the only logical explanation. It's a common failure of human nature: not to believe what you don't want to believe.

Reply · 8 hrs

**Teresa Thorsen** · Vancouver, Washington

Boy those two just don't know when to Quit spending taxpayer money and wasting Valuable time!!! November can't come soon enough for me!!!

Reply · 8 · 11 hrs

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