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**GROWTH MANAGEMENT HEARINGS BOARD
WESTERN WASHINGTON REGION
STATE OF WASHINGTON**

FRIENDS OF CLARK COUNTY &
FUTUREWISE,

Petitioners,

v.

CLARK COUNTY,

Respondent.

Case No.:

**FRIENDS OF CLARK COUNTY'S &
FUTUREWISE'S PETITION FOR
REVIEW**

COMES NOW Petitioners Futurewise and Friends of Clark County to submit this
Petition for Review to the Growth Management Hearings Board as authorized by Chapter
36.70A RCW.

I. PETITIONER

1. Petitioner Friends of Clark County is a Washington State nonprofit corporation
whose mailing address is:

Friends of Clark County
PO Box 513
Vancouver, Washington 98666
Email: info@friendsofclarkcounty.org
Telephone: 360-887-7880

Petition for Review

1 2 Petitioner Futurewise is a Washington State nonprofit corporation whose mailing
2 address is

3 Futurewise
4 816 Second Avenue, Suite 200
5 Seattle, Washington 98104
6 Email tim@futurewise.org
7 Telephone 206 343-0681 Ext 118

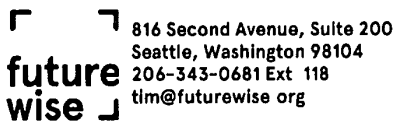
8 3 For purposes of this action all correspondence shall be served upon the following
9 attorney for the Petitioners

10 Tim Trohimovich, Director of Planning and Law
11 Futurewise
12 816 Second Avenue, Suite 200
13 Seattle, Washington 98104
14 Telephone 206 343-0681 Ext 118
15 Email tim@futurewise.org

16 **II. ACTION FOR WHICH REVIEW IS SOUGHT**

17 1 On April 26, 2016, the Board of County Councilors for Clark County,
18 Washington adopted Ordinance No 2016-04-03 which enacted policies, regulations, and
19 designated two rural industrial land bank sites on agricultural resource lands of long-term
20 commercial significance A true and correct complete copy of Ordinance No 2016-04-03 is in
21 Tab 2016-04-03 attached to this petition for review

22 2 On May 10, 2016, the Board of County Councilors for Clark County, Washington
23 adopted Ordinance No 2016-05-03 which expanded the industrial land bank sites on agricultural
24 resource lands of long-term commercial significance A true and correct complete copy of
25 Ordinance No. 2016-05-03 is in Tab 2016-05-03 attached to this petition for review
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III. ISSUES PRESENTED FOR REVIEW

1. Did the adoption of Ordinance No. 2016-04-03 and Ordinance No. 2016-05-03 violate RCW 36.70A.367(6) and RCW 36.70A.130(1)(d) because the industrial land banks were designated after the deadline in RCW 36.70A.367(6) and RCW 36.70A.130(4)?
2. Did the adoption of Ordinance No. 2016-04-03 and Ordinance No. 2016-05-03 violate RCW 36.70A.170(1)(a), RCW 36.70A.060(1)(a), 36.70A.020(8), RCW 36.70A.070, RCW 36.70A.130(1)(d), or the Clark County comprehensive plan by de-designating approximately 602.4 acres of agricultural lands of long-term commercial significance?
3. Did the adoption of Ordinance No. 2016-04-03 and Ordinance No. 2016-05-03 violate RCW 36.70A.070, RCW 36.70A.130(1)(d), RCW 36.70A.210(2) or (3), the applicable provisions of RCW 36.70A.365(2), or RCW 36.70A.367(1), (2), (3), (4), or (7) by failing to comply with the requirements for industrial land banks?

IV. STANDING

1. Petitioner Friends of Clark County is a Washington State non-profit corporation that works with community partners and policy makers to keep Clark County a beautiful and healthy place to live, work and play. The organization has members that are landowners and residents of Clark County and who are aggrieved and adversely affected by the County's adoption of Ordinance No. 2016-04-03 and Ordinance No. 2016-05-03 and the matters at issue in this petition. Friends of Clark County staff and its supporters and members participated in the public process writing emails, letters, and testifying at public hearings concerning all matters at issue in this petition. The Friends of Clark County therefore assert that, in addition to other forms

1 of standing, it has participation standing to challenge the actions at issue pursuant to RCW
2 36 70A 280

3 2. Petitioner Futurewise is a Washington State non-profit corporation and a
4 statewide organization devoted to ensuring compliance with the Growth Management Act
5 (GMA) The organization has members that are landowners and residents of Clark County and
6 who are aggrieved and adversely affected by the County's adoption of Ordinance No 2016-04-
7 03 and Ordinance No 2016-05-03 and the matters at issue in this petition Futurewise staff and
8 its supporters and members participated in the public process writing emails, letters, and
9 testifying at public hearings concerning all matters at issue in this petition Futurewise therefore
10 asserts that, in addition to other forms of standing, it has participation standing to challenge the
11 actions at issue pursuant to RCW 36 70A 280
12

13 V. ESTIMATED LENGTH OF HEARING

14 The Petitioners estimate that the Hearing on the Merits for this matter will last
15 approximately one day
16

17 VI. RELIEF SOUGHT

18 1 The Friends of Clark County and Futurewise respectfully request that the Board
19 find that Ordinance No 2016-04-03 and Ordinance No 2016-05-03 violates the goals and
20 requirements of the Growth Management Act
21

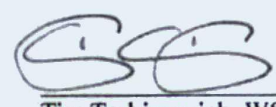
22 2. The Friends of Clark County and Futurewise respectfully request that the Board
23 issue a Final Decision and Order directing the County to properly designate and protect natural
24 resource lands of long-term commercial significance and to remand the matter back to Clark
25 County for action consistent with the Growth Management Act
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3. In addition, the Friends of Clark County and Futurewise request that the Board make a determination of invalidity for the amendments adopted by Ordinance No. 2016-04-03 and Ordinance No. 2016-05-03 on the grounds that the challenged provisions substantially interfere with the fulfillment of the goals of the Growth Management Act.

The Petitioners, the Friends of Clark County and Futurewise, have read this Petition for Review and believes the contents to be true.

DATED this 20th day of June, 2016, and respectfully submitted,



Tim Trohimovich, WSBA No. 22367
Attorney for Petitioners Futurewise and
Friends of Clark County

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VII. DECLARATION OF SERVICE

I, Tim Trohimovich, declare under penalty of perjury and the laws of the State of Washington that, on June 20, 2016, I caused the following document to be served on the persons listed below in the manner shown the Friends of Clark County's and Futurewise's Petition for Review and attachments

Growth Management Hearings Board
PO Box 40953
Olympia, WA 98504-0953
Tel. 360-664-9170

The Honorable Greg Kimsey
Clark County Auditor
P O Box 5000
Vancouver, WA 98666-5000

Original and three copies

- By United States Mail, postage prepaid and properly addressed
- By Legal Messenger or Hand Delivery
- By Facsimile
- By Federal Express or Overnight Mail prepaid
- By Email western@eluhowa.gov

- By United States Mail, postage prepaid and properly addressed
- By Legal Messenger or Hand Delivery
- By Facsimile
- By Federal Express or Overnight Mail prepaid
- By Email auditor@clarkwa.gov

Mr. P. Stephen DiJulio
Foster Pepper PLLC
1111 3rd Ave Ste 3000
Seattle, WA 98101-3292
Attorneys for Clark County

- By United States Mail, postage prepaid and properly addressed
- By Legal Messenger or Hand Delivery
- By Facsimile
- By Federal Express or Overnight Mail prepaid
- By Email stevedijulio@foster.com

- By United States Mail, postage prepaid and properly addressed
- By Legal Messenger or Hand Delivery
- By Facsimile
- By Federal Express or Overnight Mail prepaid
- By Email

Tim Trohimovich