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

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

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

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

II. ACTION FOR WHICH REVIEW IS SOUGHT

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

2 On May 10, 2016, the Board of County Councilors for Clark County, Washington adopted Ordinance No 2016-05-03 which expanded the industrial land bank sites on agricultural resource lands of long-term commercial significance. A true and correct complete copy of Ordinance No. 2016-05-03 is in Tab 2016-05-03 attached to this petition for review
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
of standing, it has participation standing to challenge the actions at issue pursuant to RCW 36 70A 280

2. Petitioner Futurewise is a Washington State non-profit corporation and a statewide organization devoted to ensuring compliance with the Growth Management Act (GMA). 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. Futurewise 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. Futurewise therefore asserts that, in addition to other forms of standing, it has participation standing to challenge the actions at issue pursuant to RCW 36 70A 280

V. ESTIMATED LENGTH OF HEARING

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

VI. RELIEF SOUGHT

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

2. The Friends of Clark County and Futurewise respectfully request that the Board issue a Final Decision and Order directing the County to properly designate and protect natural resource lands of long-term commercial significance and to remand the matter back to Clark County for action consistent with the Growth Management Act
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,

[Signature]

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

Original and three copies

X By United States Mail, postage prepaid and properly addressed

X By United States Mail, postage prepaid and properly addressed

X By Legal Messenger or Hand Delivery

By Legal Messenger or Hand Delivery

X By Facsimile

By Facsimile

X By Federal Express or Overnight Mail prepaid

By Federal Express or Overnight Mail prepaid

X By Email western@eluho wa.gov

By Email audtor@clark wa.gov

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

Attorneys for Clark County

X By United States Mail, postage prepaid and properly addressed

By United States Mail, postage prepaid and properly addressed

X By Legal Messenger or Hand Delivery

By Legal Messenger or Hand Delivery

X By Facsimile

By Facsimile

X By Federal Express or Overnight Mail prepaid

By Federal Express or Overnight Mail prepaid

X By Email steve.dijulio@foster.com

By Email

Tim Trohimovich

Petition for Review