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BEFORE THE WESTERN WASHINGTON  
GROWTH MANAGEMENT HEARINGS BOARD

CLARK COUNTY CITIZENS UNITED,  
INC., a Washington nonprofit corporation,

Petitioners,

vs.

CLARK COUNTY,

Respondent.

NO. \_\_\_\_\_

CLARK COUNTY CITIZENS UNITED,  
INC. PETITION FOR REVIEW

**I. INTRODUCTION**

On June 21, 2016, the Board of County Councilors for Clark County (“BOCC”) approved an updated Comprehensive Plan under the auspices of the Growth Management Act, chapter 36.70A RCW (“GMA”). Formally adopting the update one week later, Clark County Amended Ordinance 2016-06-12 asserts that “the County Council finds that all GMA prerequisites for the revisions in the 2016 Plan Update have been met and that the 2016 Plan Update adopted herein achieves the goals and satisfies the requirements of the GMA.” Amended Ordinance 2016-06-12 (the “Ordinance”), attached without its exhibits as **Exhibit 1**, at Section 1.7. But the County’s assertion of GMA compliance rings false. As set forth in this Petition for Review, Petitioner Clark County Citizens United, Inc. (“Petitioner” or “CCCU”) has identified that the updated Comprehensive Plan and implementing zoning maps and development regulations (collectively, the “2016 Plan Update”) adopted by the Ordinance violate the GMA’s public participation

1 requirements; violate the GMA's urban, resource, and rural land designation requirements; and fails  
2 to comply with the State Environmental Policy Act.

3 Specifically, the County's actions have sustained unlawful restrictions on the use of rural  
4 lands; erroneously relied on urban population projections to restrict rural growth projections;  
5 improperly designated urban and resource lands; and eschewed the open public process mandated  
6 by the GMA. Given these many, and serious, failings CCCU respectfully requests that the Growth  
7 Management Hearings Board for Western Washington (the "Hearings Board") determine that the  
8 2016 Plan Update violates the GMA and declare it invalid.

## 9 II. FACTUAL AND LEGAL BACKGROUND

### 10 A. The County Lacks a Mechanism to Update Its Countywide Planning Policies and 11 Community Framework Plan.

12 After enactment of the GMA, Clark County adopted countywide planning policies  
13 ("CPPs") and a community framework plan ("CFP"). *See Exhibit 2* (Clark County Ord. 1993-  
14 05-41, without its exhibit (adopting the community framework plan)). *See also* RCW  
15 36.70A.210(1) (requirements for CPPs); WAC 365-196-305 (same).

16 By July 2015, the County recognized that the CPPs and CFP require periodic updating.  
17 *See Exhibit 3* (Clark County Issue Paper #6). The County further recognized that it had never  
18 adopted a mechanism for updating the CFP, and County staff proposed a mechanism to allow  
19 amendment. *Id.* However, the BOCC never approved the proposed CPP and CFP amendment  
20 mechanism. *See Exhibit 4* (minutes from July 15, 2015 BOCC meeting during which Issue  
21 Paper #6 was introduced) and *Exhibit 3* (Clark County Issue Paper #6 anticipated that the BOCC  
22 would act on the amendment mechanism on July 30, 2015; that meeting never occurred). The  
23 BOCC did not consider or propose an alternative amendment mechanism. *See id.* "amendment"  
24 or "update" to the CPPs or CFP was made without submittal to a public process. Nevertheless,  
25 the County proceeded to include a substantially amended CFP in the 2016 Plan Update, and the  
26 2016 Plan Update states without support that the CPPs were "amended in 2004, 2007 and 2016."

1 **Exhibit 5** (Exh. 1 to the Ordinance, Comprehensive Plan, Introduction p. 6, Community  
2 Framework Plan Element pp. 10-22).

3 The entire 2016 updated Comprehensive Plan is built around amended CPPs and CFP  
4 (*see id.*); thus, invalidation of those amended policies will necessarily invalidate the entire 2016  
5 Plan Update.

6 **B. The BOCC Never Adopted Special Interest Plans on which the 2016 Plan Update**  
7 **Relies, and the County's Update Process Routinely Excluded and Discriminated**  
8 **against Rural and Resource Landowners.**

9 Clark County did not adopt a public participation program for the 2016 Plan Update  
10 process until January 2014. **Exhibit 6** (Clark County Res. 2014-01-10). However, more than  
11 one year prior (in 2012), the record shows that County staff had already prepared two new plans  
12 for the purpose of amending the County's Comprehensive Plan: (1) the "Growing Healthier  
13 Report" and (2) the "Aging Readiness Plan." *See Exhibit 5* (Exh. 1 to the Ordinance,  
14 Comprehensive Plan, Introduction p. 8 (listing June 5, 2012 as the date of the two plans)). In  
15 fact, these plans originated with special interest groups who secured federal funding to support  
16 their pro-urban interests. *See Exhibit 7* (link to October 27, 2010 Clark County Board of Health  
17 meeting video).

18 In fact, the BOCC never submitted these two plans to the public as standalone reports to  
19 support the Comprehensive Plan update process. *See Exhibit 8* (email string ending with email  
20 from S. Rasmussen, sent April 23, 2016 at 1:03 P.M.). At that time these plans were created,  
21 County staff represented to the public and the BOCC that the Growing Healthier Report and the  
22 Aging Readiness Plans were intended to serve as foundational documents for an eventual Health  
23 element of the County's updated Comprehensive Plan, as opposed to standalone plans. *See id.*  
24 Neither the Growing Healthier Report nor the Aging Readiness Plan was subject to  
25 environmental review under the State Environmental Policy Act, chapter 43.21C RCW  
26 ("SEPA") or the County's adopted public participation program. Further, the BOCC expressly  
chose not to adopt the Growing Healthier Report and declined to include it in the County's CPPs.

1 See **Exhibit 4** (July 15, 2015 BOCC work session minutes). Neither is there any record of the  
2 County's adoption of the Aging Readiness Plan.

3 Despite these facts, the 2016 Plan Update relies on both the Growing Healthier Report  
4 and the Aging Readiness Plan.<sup>1</sup> *And see id.* (Exh. 1 to the Ordinance, Comprehensive Plan,  
5 Community Design Element at p. 243). The County's reliance on these plans for this purpose  
6 not only violates the GMA and the State Environmental Policy Act, but also results in the  
7 deliberate and unlawful skewing of planning for population growth away from the rural areas to  
8 the urban areas. *See id.* (Exh. 1 to the Ordinance, Comprehensive Plan, Community Design  
9 Element (containing new community design policies based on the unadopted plans)).

10 The County's failure to ensure public participation in developing the Growing Healthier  
11 Report and the Aging Readiness Plan, and its further failure to lawfully adopt these two plans  
12 under the GMA prior to relying on them in the 2016 Plan Update, provides yet one more  
13 example of the County's pattern of routine exclusion of rural and resource landowners from the  
14 public process. For example, fewer rural and resource landowners have regular access to the  
15 Internet than urban landowners, and yet Clark County exclusively presented updates and  
16 solicited public comment via the online-only portal known as "Engage Clark County." *See*  
17 **Exhibit 9** (email from K. Schroader, sent April 29, 2016 at 11:08 A.M.). In addition, the County  
18 failed to present or discuss any preferred alternatives that meaningfully accounted for existing  
19 rural and resource land designations, parcel size, conformity, and population projections. The  
20 County's actions routinely and systematically excluded rural and resource landowners in  
21 violation of the GMA goal number 9 (public participation) in that the County failed to  
22 "encourage the involvement of citizens in the planning process and ensure coordination between  
23 communities and jurisdictions to reconcile conflicts." RCW 36.70A.020(11).

24  
25 <sup>1</sup> See **Exhibit 5** (Exh. 1 to the Ordinance, Comprehensive Plan, Introduction at p. 7) (disclosing reliance  
26 on the Growing Healthier Report and the Aging Readiness Plan and on two additional plans never subject  
to SEPA review or the County's adopted GMA public participation plan: the Agriculture Preservation  
Strategies Report, dated March 2009, and the Clark County Bicycle and Pedestrian Plan, dated December  
2010).

1           **C. The County’s Flawed Urban, Resource, and Rural Land Designations.**

2           1. The County’s resource land designation flaws.

3           The 2016 Plan Update’s reasoning for its designations of forest and agriculture resource  
4 lands was hidden from the public until after the BOCC approved the 2016 Plan Update. The  
5 2016 Plan Update relies on Clark County Issue Paper #9, completed by a County consultant on  
6 June 23, 2016—two days after the BOCC approval of the 2016 Plan Update. **Exhibit 10** (Clark  
7 County Issue Paper #9, titled “Clark County Agriculture and Forest Land Supplemental Mapping  
8 and Data Analysis,” dated June 23, 2016). Completing Issue Paper #9 after the BOCC’s  
9 approval and just five days before adoption of the Ordinance effectively deprived the public of  
10 meaningful opportunity for review or comment. This is not an inconsequential failing: Issue  
11 Paper #9 purports to document the County’s compliance with the very soil capabilities  
12 considerations for both forest and agriculture land that have been litigated in Clark County for  
13 more than 20 years. *See Exhibit 10* (Clark County Issue Paper #9, pp. 20 and 27, Exhs. L and  
14 O). *And see Achen, et al. v. Clark County*, WWGMHB No. 95-2-0067 (Compliance Order, May  
15 11, 1999) (analyzing role of soils data in resource land designations) (relying on *Redmond v.*  
16 *CPSGMHB*, 136 Wn.2d 38, 959 P.2d 1091 (1998)). Even more fundamentally, an examination  
17 of the facts behind Issue Paper #9 belies the findings and conclusions presented in Issue Paper  
18 #9, resulting in a 2016 Plan Update based on erroneous information or no information at all.

19           In addition to the lack of transparency and public participation failures of the late-  
20 completed Issue Paper #9, the 2016 Plan Update unjustifiably downzones both forest and  
21 agriculture lands by, among other things, failing to account for existing predominant parcel size.  
22 The County had an opportunity to create agriculture and forest zoning designations to reduce the  
23 parcel-size nonconformity found throughout Clark County as part of the 2016 Plan Update, but  
24 chose not to do so. *See Exhibit 11* (“BOCC Preferred Alternative,” dated February 23, 2016,  
25 rejecting creation of AG-5, AG-10, FR-10, and FR-40 zones).<sup>2</sup> As a result, the 2016 Plan  
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<sup>2</sup> The Ordinance ultimately included AG-10 and FR-20 zones, but did not create an AG-5 or FR-10 zone.

1 Update perpetuates prior widespread, gross parcel nonconformities throughout Clark County  
2 resource lands that should have been remedied, as evidenced by the following example:

3 Agriculture 20 zoning. Only 362 of 2,387 lots are conforming as to parcel size. ***This***  
4 ***means that only 15% of AG-20 zoned lots are conforming.***<sup>3</sup>

5 2. The County's erroneous consideration of rural lands.

6 In considering rural lands in the County, the Ordinance impermissibly relies on rural  
7 vacant buildable land model assumptions ("RVBLM"). See **Exhibit 12** (Exh. 1 to February 23,  
8 2016 staff report explaining use of RVBLM in Draft SEIS). And see **Exhibit 13** (Clark County  
9 GIS mapping legend stating County's use of the RVBLM in Alternative 2); see also **Exhibit 14**  
10 (Thorpe report, January 19, 2016) (critique of Alternative 4B and the RVBLM assumptions).  
11 The County's use of RVBLM assumptions for this purpose unquestionably violates the GMA  
12 based on the holding of *Clark County Natural Resources Council v. Clark County Citizens*  
13 *United*, 94 Wn. App. 670, 675-77, 972 P.2d 941 (1999) (OFM projections are required only for  
14 urban growth planning). Clark County covertly used the RVBLM, never having adopted it.

15 More fundamentally, the County's designation of rural lands fails to use predominant size  
16 or existing rural character. The County had an opportunity to create rural zoning designations to  
17 reduce the parcel-size nonconformity found throughout Clark County, but elected not to do so.  
18 See **Exhibit 11** ("BOCC Preferred Alternative," dated February 23, 2016, rejecting creation of  
19 R-1 and R-2.5 zones). Further, the 2016 Plan Update perpetuates prior widespread, gross parcel  
20 nonconformities throughout Clark County's rural lands that should have been remedied, as  
21 evidenced by the following examples:

- 22 • Rural 10 zoning. Only 407 of 3,012 lots are conforming as to parcel size. ***This means***  
23 ***that only 13.5% of R-10 zoned lots are conforming.***
- 24 • Rural 20 zoning. Only 77 of 679 lots are conforming as to parcel size. ***This means that***  
25 ***only 12% of R-20 zoned lots are conforming.***<sup>4</sup>

26 <sup>3</sup> Generated from a lot count taken from Clark County Assessor's information regarding the  
approximately 28,000 lots in unincorporated Clark County zoned Rural 10, Rural 20 and Agriculture 20.

1 The Ordinance's flawed rural land designations also result from the County's  
2 impermissible decision to plan for 90% urban /10% rural population growth projections, when  
3 the record shows that historical urban/rural population allocation has been materially higher.  
4 See **Exhibit 15** ("An Evidence Based Proposal to the Community," dated November 18, 2015,  
5 Table 3: 20-year urban and rural population allocations in Clark County).

6 3. The County's urban land designation flaws.

7 CCCU's concerns regarding the adequacy of buildable lands in the County's resource-  
8 and rural-designated areas are exacerbated by the County's improper designation of urban land  
9 areas in the 2016 Plan Update. As just one example, the County blindly accepted OFM  
10 population projections for urban growth when those population projects rely exclusively on  
11 information provided by *Washington* local governments regarding population projections within  
12 *Washington*. In blindly relying on these OFM population projections, the County impermissibly  
13 failed to account for the substantial growth that the County faces from its immediate adjacency  
14 to the booming Portland, Oregon, metropolitan region. Portland metropolitan growth increases  
15 the demand for both urban and rural lands far above Clark County's planning levels considered  
16 in the 2016 Plan Update. CCCU posits that no other Washington local government faces  
17 population demands triggered by out-of-state conditions to the extent that Clark County does, yet  
18 the County did not acknowledge its unique situation, much less account for it in the 2016 Plan  
19 Update.

20 Compounding this error, the 2016 Plan Update further anticipates that *all* remainder  
21 parcels will again be available for development when brought within urban growth areas:

22 Land divisions of remainder or parent parcels created under previous Agriculture  
23 or Forest Zoning District "Cluster" provisions, which are now within a resource  
24 zone or rural residential zone, cannot further divide until brought into the urban  
25 growth area.

26 <sup>4</sup> Generated from a lot count taken from Clark County Assessor's information regarding the  
approximately 28,000 lots in unincorporated Clark County zoned Rural 10, Rural 20 and Agriculture 20.

1 **Exhibit 16** (Exh. 1 to the Ordinance, Comprehensive Plan, Land Use Element at p. 37).  
2 However, this is only true for remainder parcels created under the development regulations  
3 updated with this 2016 Plan Update. See **Exhibit 17** (Exh. 9 to the Ordinance, at p. 31 (CCC  
4 40.210.010(E)(4)(c)(4)) (remainder parcels created after July 1, 2016 are further developable  
5 after designation within the urban growth area). Thus, the County failed to consider that prior  
6 remainder parcels are restricted from further development, irrespective of whether they remain  
7 rural designated or are later converted to urban-designated lands.<sup>5</sup> Counting these remainder  
8 parcels as both urban and developable erroneously skews urban growth demand projections away  
9 from the rural areas.

10 4. The County failed to meet GMA goal number 6 mandating the protection of property  
11 rights of rural and resource landowners.

12 The County's many, serious errors in designating urban and resource lands and in  
13 considering rural lands results in grievous injury to the rural and resource landowners of Clark  
14 County. The County inflicted these injuries without adequately evaluating the impact its land  
15 designations would have on property owners. As such, the County failed to meet GMA Planning  
16 goal number 6: "Private property shall not be taken for public use without just compensation  
17 having been made. The property rights of landowners shall be protected from arbitrary and  
18 discriminatory actions." RCW 36.70A.020(6).

19 **D. The County's Final Supplemental Environmental Impact Statement is Inadequate.**

20 As described above, Clark County never adopted or vetted to the public several plans and  
21 reports relied upon in the 2016 Plan Update. See Section II.B above (describing Growing  
22 Healthier Report, Aging Readiness Plan, Agriculture Preservation Strategies Report, and Clark  
23 County Bicycle and Pedestrian Plan). These plans were not made a part of the County's Draft  
24 Supplemental Environmental Impact Statement, nor were they incorporated into the  
25

26 \_\_\_\_\_  
<sup>5</sup> Examples will be provided in CCCU's briefing, and include St. Helen's View subdivision and Daybreak  
cluster subdivision.

1 environmental review by the time that the County's Final Supplemental Environmental Impact  
2 Statement was issued in April 2016. **Exhibit 18** (FSEIS issuance date and Table of Contents).

3 In addition, the FSEIS did not analyze all of the impacts of the 2016 Plan Update because  
4 the DSEIS on which it was based was issued in response to a materially different draft  
5 Comprehensive Plan update.

6 Furthermore, after the County lost the judicial challenge to its 1994 designation of 36,000  
7 acres as "agri-forest" lands, there is no record that the County conducted environmental review  
8 on the land re-designations for thousands of those acres that are incorporated and re-adopted into  
9 the 2016 Plan Update, resulting in further inadequacy of the County's FSEIS.

10 For these reasons, SEPA review was inadequate, and the 2016 Plan Update must be  
11 invalidated and remanded for the County to conduct compliant SEPA review environmental  
12 review.

13 **E. The County Cut Corners and Flagrantly Violated GMA Timing Requirements.**

14 In addition to the many GMA violations committed during the 2016 Plan Update process,  
15 the County continued to cut corners even as it proceeded to final adoption of the amending  
16 ordinance. Specifically, on April 28, 2016, the County remitted a draft of its amended  
17 Comprehensive Plan to the Washington Department of Commerce. Based on that receipt date,  
18 Clark County was barred from approving the Comprehensive Plan amendment for a full 60 days,  
19 or until June 27, 2016. RCW 36.70A.106; WAC 365-196-630. In flagrant disregard for this  
20 obligation, the County approved the amended Comprehensive Plan six days early, on June 21,  
21 2016. See **Exhibits 19** and **20** (Decision table from June 21, 2016 BOCC meeting, showing  
22 results of BOCC deliberation; County's press release describing June 21, 2016 approval). This  
23 disregard for mandatory GMA obligations symbolizes the County's entire approach to its  
24 Comprehensive Plan amendment process.

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**III. IDENTIFICATION OF PETITIONER**

Clark County Citizens United, Inc.  
P.O. Box 2188  
Battle Ground, Washington 98604  
Telephone: 360-667-0516

**IV. IDENTIFICATION OF PETITIONER'S ATTORNEYS**

Heather L. Burgess  
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**V. RESPONDENT**

Clark County  
1300 Franklin Street  
Vancouver, Washington 98660

**VI. CHALLENGED ACTION**

Petitioner challenges Clark County's Amended Ordinance 2016-06-12 adopting the 2016 Plan Update. The Board of County Councilors approved the action on June 21, 2016, adopted the Ordinance on June 28, 2016, and published a notice of adoption on June 29, 2016. See **Exhibits 19** (June 21, 2016 BOCC deliberation results), **1** (Ordinance), and **21** (notice of adoption published in the *Columbian*). The Ordinance violates the GMA's requirements for designating urban, resource, and, thus, rural lands; for public participation; and for concurrent adequate environmental review under SEPA.

**VII. STATEMENT OF ISSUES**

A. Did the County's adoption of the 2016 Plan Update violate RCW 36.70A.020(11), 36.70A.035, 36.70A.106(3)(a), 36.70A.130(2), and 36.70A.140 and WAC 365-196-600 when the County began work on the 2016 Plan Update before the County adopted its public

1 participation program in January 2014 and, subsequently, failed to provide open and timely  
2 access to the 2016 Plan Update process and underlying analysis?

3 B. Does the 2016 Plan Update violate RCW 36.70A.100, 36.70A.210, and WAC  
4 365-196-305 because the 2016 Plan Update relies, in part, on amended countywide planning  
5 policies and an amended community framework plan, without the County first adopting a  
6 process to amend or update the CPPs or CFP that were incorporated in the 2016 Plan Update,  
7 and when the CPPs and CFP relied upon in the 2016 Plan Update were never vetted by an  
8 adequate public process?

9 C. Does the 2016 Plan Update constitute an impermissible de facto comprehensive  
10 plan amendment, violate public participation requirements, and violate chapter 43.21C RCW  
11 because the County never adopted or completed required review under the State Environmental  
12 Policy Act of the Growing Healthier Report, the Aging Readiness Plan, the Agriculture  
13 Preservation Strategies Report, and the Clark County Bicycle and Pedestrian Plan prior to relying  
14 on them in the 2016 Plan Update?

15 D. Does the 2016 Plan Update violate public participation requirements of the GMA  
16 in routinely and systematically excluding rural and resource landowners?

17 E. Does the 2016 Plan Update violate WAC 365-195-050 and -060 in its  
18 designations of agriculture and forest lands, and in its amendment of resource-related  
19 development regulations and amended zoning maps, when the 2016 Plan Update relies on late-  
20 completed Clark County Issue Paper #9 which excluded meaningful public participation  
21 regarding soils considerations mandated by the GMA, when the findings and conclusions in  
22 Issue Paper #9 are not supported by fact, and when the 2016 Plan Update disregards and  
23 misapplies predominant parcel size, use capability, and long-term commercial significance?

24 F. Does the 2016 Plan Update violate the GMA and interpreting case law because  
25 the County unlawfully applied assumptions from a rural vacant buildable lands model (RVBLM)  
26

1 to cap rural growth projections? RCW 36.70A.110(2); WAC 365-196-425(2); *Clark County*  
2 *Natural Resources Council*, 94 Wn. App. at 675-77.

3 G. Does the 2016 Plan Update violate WAC 365-196-425 in its designations of rural  
4 lands, and in its amendment of rural-related development regulations and zoning maps, when the  
5 2016 Plan Update disregards and misapplies predominant parcel size and density and rural  
6 character?

7 H. Does the 2016 Plan Update violate WAC 365-196-425(3)(a) and 365-196-210(27)  
8 because the County relied on a 90/10 urban to rural population split projection when the  
9 historical population allocation has averaged closer to an 85 urban / 15 rural split?

10 I. Does the 2016 Plan Update violate RCW 36.70A.110 because the County  
11 unlawfully relied on population projections by the Office of Financial Management which do not  
12 take into account the population influences resulting from Clark County's proximity to the  
13 Portland, Oregon metropolitan area?

14 J. Does the 2016 Plan Update violate RCW 36.70A.030(16), .070(5)(b), and .177  
15 when historical remainder parcels in rural developments are included in urban growth areas as  
16 potentially developable?

17 K. Does the 2016 Plan Update violate GMA goal number 6 when Clark County  
18 failed to adequately consider the property rights impacts the Ordinance would have on the  
19 County's rural and resource landowners. *See* RCW 36.70A.020(6) (GMA goal number 6:  
20 "Private property shall not be taken for public use without just compensation having been made.  
21 The property rights of landowners shall be protected from arbitrary and discriminatory actions").

22 K. Does the 2016 Plan Update violate chapter 43.21C RCW when the County failed  
23 to conduct environmental review under the State Environmental Policy Act on material elements  
24 of the 2016 Plan Update, including but not limited to, the Aging Readiness Plan, the Growing  
25 Healthier Report, and the remnants from approximately 36,000 square acres of land that were  
26 erroneously designated as agri-forest under the County's 1994 Comprehensive Plan?

1 L. Did the County violate RCW 36.70A.106 and WAC 365-196-630 when it  
2 approved the 2016 Plan Update fewer than 60 days after forwarding the 2016 Plan Update to the  
3 Washington Department of Commerce?

4 **VIII. STANDING**

5 CCCU has standing to maintain this appeal pursuant to RCW 36.70A.280(2)(b) and (d).  
6 CCCU is a registered nonprofit 501(c)(4) corporation comprised of Clark County rural  
7 landowners and others originally established in November 1994 in response to the County's  
8 massive downzoning of Clark County rural and resource land. In Article III of its Articles of  
9 Incorporation, the CCCU's stated purpose is "To promote reasonable and appropriate land use  
10 planning in Clark County in order to maintain a high quality of life for our citizens while  
11 preserving and protecting private property rights." To that end, since 1994, CCCU has actively  
12 worked to protect the rights of landowners and speaks in the public forum on their behalf.

13 CCCU has a membership following of approximately 6,000 taxpayers from rural and  
14 urban areas. CCCU has closely followed and participated in the Clark County GMA planning  
15 processes since the first 1994 County Comprehensive Plan and CCCU actively participated in  
16 the public process leading up to the County's adoption of the 2016 Plan Update challenged  
17 herein.

18 **IX. ESTIMATED HEARING LENGTH**

19 CCCU estimates that the hearing on the merits will last two days.

20 **X. RELIEF SOUGHT**

21 Petitioner CCCU respectfully requests that the Hearings Board:

22 A. Find and conclude that the 2016 Plan Update violates the goals and requirements  
23 of the Growth Management Act;

24 B. Issue a Final Decision and Order remanding the matter to Clark County and  
25 directing the County to review and revise its Comprehensive Plan and development regulations;  
26 and,

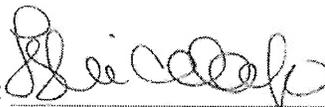
1 C. Declare the 2016 Plan Update invalid on the grounds that the challenged  
2 provisions substantially interfere with the fulfillment of the goals of the Growth Management  
3 Act.

4 **XI. VERIFICATION**

5 The undersigned attorneys have read this Petition for Review and believe the contents to  
6 be true and accurate.

7 DATED this 25<sup>th</sup> day of August, 2016.

8  
9 PHILLIPS BURGESS PLLC

10  
11 By: 

12 Heather L. Burgess, WSBA #28477  
13 Leslie C. Clark, WSBA #36164  
14 Attorneys for Petitioner CCCU  
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**DECLARATION OF SERVICE**

I, Rae Charlton, declare as follows:

I am a resident of the State of Washington. I am over the age of 18 years and not a party to the within entitled cause. I am employed by the law firm of Phillips Burgess PLLC, whose address is 724 Columbia Street NW, Suite 320, Olympia, Washington 98501.

On August 25<sup>th</sup>, 2016, I sent out for service upon the below-listed party at the address and in the manner described below, the Petition for Review appended hereto:

Clark County Attn: Greg Kimsey County Auditor 1300 Franklin Street P.O. Box 5000 Vancouver, WA 98660	<input type="checkbox"/>	U.S. Mail, postage prepaid
	<input checked="" type="checkbox"/>	Hand Delivered via Legal Messenger
	<input type="checkbox"/>	Overnight Courier
	<input type="checkbox"/>	Electronic Court Efile
	<input type="checkbox"/>	Electronically via email:
	<input type="checkbox"/>	Facsimile

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Tacoma, Washington this 25<sup>th</sup> day of August, 2016.

  
Rae Charlton