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7	GROWTH MANAGEMENT HEARINGS BOARD WESTERN WASHINGTON REGION		
8	STATE OF WASHINGTON		
9	FRIENDS OF CLARK COUNTY &		
10	FUTUREWISE,	Case No.:	
11	Petitioners,		
12	V.	FRIENDS OF CLARK COUNTY'S & FUTUREWISE'S PETITION FOR	
13	CLARK COUNTY,	REVIEW	
14	Respondent.		
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16	COMES NOW Petitioners Futurewise ar	nd Friends of Clark County to submit this	
17	Petition for Review to the Growth Management	Hearings Board as authorized by Chapter	
18	36.70A RCW.		
19	I. PETITIONER		
20	1. Petitioner Friends of Clark County is a Washington State nonprofit corporation		
21	whose mailing address is:		
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23	Friends of Clark County PO Box 513		
24	Vancouver, Washington 98666 Email: info@friendsofclarkcounty.org		
25	Telephone: 360-887-7880		
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1	2. Petitioner Futurewise is a Washington State nonprofit corporation whose mailing		
2	address is:		
3	Futurewise		
4	816 Second Avenue, Suite 200 Seattle, Washington 98104		
5	Email: tim@futurewise.org		
6	Telephone: 206 343-0681 Ext. 118		
7	3. For purposes of this action all correspondence shall be served upon the following		
8	attorney for the Petitioners:		
9	Tim Trohimovich, Director of Planning and Law		
10	Futurewise 816 Second Avenue, Suite 200		
11	Seattle, Washington 98104 Telephone: 206 343-0681 Ext. 118		
12	Email: tim@futurewise.org		
13	II. ACTION FOR WHICH REVIEW IS SOUGHT		
14	1. On April 26, 2016, the Board of County Councilors for Clark County,		
15	Washington adopted Ordinance No. 2016-04-03 which enacted policies, regulations, and		
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18	commercial significance. A true and correct complete copy of Ordinance No. 2016-04-03 is in		
19	Tab 2016-04-03 attached to this petition for review.		
20	2. On May 10, 2016, the Board of County Councilors for Clark County, Washington		
21	adopted Ordinance No. 2016-05-03 which expanded the industrial land bank sites on agricultural		
22	resource lands of long-term commercial significance. A true and correct complete copy of		
23	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 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.



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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 Tuckim aviah WS

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

1	VII. DECLARATION OF SERVICE
2 3 4	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.
5 6 7 8 9 10 11 12	Growth Management Hearings Board PO Box 40953 Clark County Auditor P.O. Box 5000 Tel: 360-664-9170 Original and three copies X By United States Mail, postage prepaid and properly addressed By Legal Messenger or Hand Delivery By Facsimile By Federal Express or Overnight Mail prepaid X By Email: western@eluho.wa.gov The Honorable Greg Kimsey Clark County Auditor P.O. Box 5000 Vancouver, WA 98666-5000 X By United States Mail, postage prepaid and properly addressed By Legal Messenger or Hand Delivery By Facsimile By Federal Express or Overnight Mail prepaid X By Email: auditor@clark.wa.gov
113 114 115 116 117 118 119	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 Legal Messenger or Hand Delivery By Facsimile By Federal Express or Overnight Mail prepaid X By Email: steve.dijulio@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:
20 21 22 23 24 25 26	Tim Trohimovich

