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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](mailto:info@friendsofclarkcounty.org)  
Telephone 360-887-7880



1 **III. ISSUES PRESENTED FOR REVIEW**

- 2 1. Did the adoption of Ordinance No 2016-04-03 and Ordinance No 2016-05-03 violate RCW  
3 36 70A 367(6) and RCW 36.70A 130(1)(d) because the industrial land banks were  
4 designated after the deadline in RCW 36 70A 367(6) and RCW 36 70A 130(4)?  
5  
6 2 Did the adoption of Ordinance No 2016-04-03 and Ordinance No 2016-05-03 violate RCW  
7 36 70A 170(1)(a), RCW 36 70A 060(1)(a), 36 70A 020(8), RCW 36 70A 070, RCW  
8 36 70A 130(1)(d), or the Clark County comprehensive plan by de-designating approximately  
9 602 4 acres of agricultural lands of long-term commercial significance?  
10 3 Did the adoption of Ordinance No 2016-04-03 and Ordinance No 2016-05-03 violate RCW  
11 RCW 36 70A 070, RCW 36 70A.130(1)(d), RCW 36 70A 210(2) or (3), the applicable  
12 provisions of RCW 36 70A.365(2), or RCW 36 70A 367(1), (2), (3), (4), or (7) by failing to  
13 comply with the requirements for industrial land banks?  
14

15 **IV. STANDING**

16 1 Petitioner Friends of Clark County is a Washington State non-profit corporation  
17 that works with community partners and policy makers to keep Clark County a beautiful and  
18 healthy place to live, work and play The organization has members that are landowners and  
19 residents of Clark County and who are aggrieved and adversely affected by the County's  
20 adoption of Ordinance No 2016-04-03 and Ordinance No 2016-05-03 and the matters at issue in  
21 this petition Friends of Clark County staff and its supporters and members participated in the  
22 public process writing emails, letters, and testifying at public hearings concerning all matters at  
23 issue in this petition The Friends of Clark County therefore assert that, in addition to other forms  
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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  
15 The Petitioners estimate that the Hearing on the Merits for this matter will last  
16 approximately one day

#### 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 2. The Friends of Clark County and Futurewise respectfully request that the Board  
22 issue a Final Decision and Order directing the County to properly designate and protect natural  
23 resource lands of long-term commercial significance and to remand the matter back to Clark  
24 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 20<sup>th</sup> day of June, 2016, and respectfully submitted,

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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](mailto: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](mailto: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](mailto: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