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BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
WESTERN WASHINGTON REGION
STATE OF WASHINGTON

FRIENDS OF CLARK COUNTY AND
FUTURWISE,

Petitioners,

v

CLARK COUNTY,

Respondent

CASE No. 16-2-0002

**NOTICE OF HEARING AND
PRELIMINARY SCHEDULE**

I. THE PETITION

On June 20, 2016, Friends of Clark County and Futurewise (Petitioners) filed a petition for review challenging Clark County Ordinance No 2016-04-03 The petition was assigned Case No 16-2-0002

Nina Carter is the Presiding Officer William Roehl and Cheryl Pflug will also serve on the panel to hear this matter

II. PRELIMINARY SCHEDULE

Notice is given in the table below of the Preliminary Schedule for hearings as well as for filing of briefs and documents with the Board Please note the telephonic prehearing conference will be held 30 days after the Board received their petition due to Board vacation schedules ¹ **Please file your documents electronically, in Word format, at western@elaho.wa.gov.**

¹ WAC 242-03-535 Prehearing conference—When held The prehearing conference will be held twenty-one days after the filing of the petition *or as scheduled in the notice of hearing* The prehearing conference is conducted by the presiding officer and is ordinarily held telephonically

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| June 20, 2016 | Petition Filed |
| June 24, 2016 | Notice of Hearing and Preliminary Schedule |
| July 4, 2016 | Revised Issue Statement ² |
| July 20, 2016 10:00 AM | Telephonic Prehearing Conference – Call 1 (800) 704-9804 and use pin 7579646# |
| July 20, 2016 | Index Due (Respondent to file) |
| July 27, 2016 | Prehearing Order ³ |
| July 27, 2016 | Additions to Index (parties to confer) |
| August 3, 2016 | Deadline for Dispositive Motions and for Motions to Supplement the Record (proposed supplements to be attached) |
| August 15, 2016 | Deadline for Response to Dispositive Motions or Motions to Supplement the Record |
| September 1, 2016 | Anticipated date of Order on Motions |
| September 9, 2016 | Deadline for Petitioners' Prehearing Brief (with exhibits) |
| September 30, 2016 | Deadline for Respondent's Prehearing Brief (with exhibits) |
| October 14, 2016 | Deadline for Petitioners' Reply Brief (optional) |
| October 21, 2016 10:00 AM | Hearing on Merits of Petition Location to be determined |
| December 14, 2016 | Final Decision and Order |

III. PREHEARING CONFERENCE

At the Prehearing Conference, the parties should be prepared to discuss the action being challenged, the nature of the claims asserted in the Petition for Review, and the framing of the legal issues to be decided

The Respondent should be prepared to indicate the nature of any dispositive motions it intends to file. The parties are advised that the Board will normally only decide the following issues on motions: timeliness of the filing of the petition for review, standing to

² WAC 242-03-260(1) A petition for review may be amended as a matter of right until fourteen days after its date of filing. Any such amendments shall be limited to amending the legal bases for challenging the matters raised in the original petition, but may not raise new challenges to the ordinance.

³ WAC 242-03-545(2) Any objection to such order shall be made in writing within seven days after the date the order is dated.

1 raise the claims in the petition, and subject-matter jurisdiction. The Presiding Officer may
2 ask for stipulations concerning threshold matters that are not in dispute, if any

3 The case schedule will be discussed at the prehearing conference and may be
4 modified to fit the needs of the parties insofar as the Board determines it can reasonably
5 accommodate them and meet its statutory deadlines. Thereafter, any changes to the
6 schedule must be proposed by motion
7

8 IV. RULES OF PROCEDURE

9 The Board's Rules of Practice and Procedure, found in the Washington
10 Administrative Code (WAC) at Chapter 242-03 WAC, shall apply to the proceedings in this
11 case.⁴
12

13 V. SETTLEMENT AND MEDIATION

14 Prior to the prehearing conference the Board expects the parties to engage in
15 at least one settlement discussion. At the prehearing conference, the parties will report
16 on their interest in further settlement discussions. If the parties agree that a member of the
17 Growth Management Hearings Board who is not on the designated panel could be of
18 assistance by serving as a settlement officer, the Presiding Officer will appoint a settlement
19 officer to assist the parties in resolving any or all of the issues presented in the Petition for
20 Review. If the parties reach settlement, the Presiding Officer shall be notified, and a Joint
21 Motion for Dismissal filed with the Board. If settlement is not reached on all issues, the case
22 will proceed as scheduled. The parties are advised that the Board may extend the 180-day
23 decision deadline for the purposes of settlement, for up to ninety days pursuant to RCW
24 36 70A 300(2)(b)
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⁴ The Board's handbook, available on the website, may also be useful to the parties

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VI. INTERPRETERS AND ACCOMMODATIONS

If a limited-English speaking or hearing impaired party needs an interpreter for any hearing, a qualified interpreter will be appointed at no cost to the party or participant. A form for a request for an interpreter is attached to this Notice.

VII. THE INDEX

Index - Pursuant to WAC 242-03-510, within 30 days of service of the petition the Respondent shall prepare an Index that lists all documents considered by the Respondent in taking the challenged action. Each document included in the Index should be given a unique number for identification purposes and to avoid duplication. Thereafter documents should be referenced by their index number when attached as exhibits to briefs.

The Petitioners shall review the Index prepared by the Respondent promptly and notify the Respondent of any omissions they believe have occurred. If the Respondent agrees, it shall file an Amended Index.

If there is a disagreement over whether the item should be included in the record, the proponent may file a motion to supplement the record, attaching the disputed documents and explaining why the party believes the document is necessary or of substantial assistance in the determination of the issues. Supplementation may be permitted "if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision." RCW 36 70A 290(4)

VIII. EXHIBITS

The Index shall contain a list of all of the documents considered by the Respondent in taking the challenged action. However, only those documents that are presented to the Board as exhibits are part of the evidence. To become part of the evidence, an exhibit must be presented to the Board as an exhibit to a brief or motion and so marked. **Exhibits shall be attached to the brief in which they are referenced and shall include the Index number(s) from which they are drawn. A table of exhibits is required for the hearing**

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briefs. Parties shall tab the exhibits for the benefit of Board members using the appropriate index number.

IX. FAILURE TO ATTEND OR PARTICIPATE

A party who fails to attend or participate in any hearing or other stage of the adjudicative proceedings before the Board in this case may be held in default and an order of default or dismissal may be entered pursuant to WAC 242-03-710

X. COMMUNICATION WITH THE BOARD

Pursuant to RCW 34 05 455, the parties may not communicate ex parte with the presiding officer or other Board members. The parties are directed to Ms Lynn Eccles, Administrative Assistant to the Board, at (360) 664-9170, or email at western@eluhowa.gov, who shall be the Board's contact for any questions

DATED this 24th day of June, 2016


Nina Carter, Presiding Officer

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INTERPRETER REQUEST

Case No. 16-2-0002

Friends of Clark County and Futurewise v. Clark County

I request that an interpreter be present as follows (Please circle as appropriate)

1 Limited English-speaking ability My primary language is _____
(Indicate language)

2 Hearing impaired

Dated this _____ day of _____ 2016

Signature. _____
Party

Mail to:

**Growth Management Hearings Board
P.O. Box 40953
Olympia, WA 98504-0953**

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**BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
WESTERN WASHINGTON REGION**

Case No 16-2-0002

Friends of Clark County & Futurewise v Clark County

DECLARATION OF SERVICE


I, KATIE HONCH, under penalty of perjury under the laws of the State of Washington, declare as follows:

I am the Office Assistant for the Growth Management Hearings Board. On the date indicated below a copy of the NOTICE OF HEARING AND PRELIMINARY SCHEDULE in the above-entitled case was sent to the following through the United States postal mail service:

Tim Trohimovich
Futurewise
816 Second Ave Ste 200
Seattle WA 98503

Clark County Prosecuting Attorney
1013 Franklin St
PO BOX 5000
Vancouver WA 98666-5000

DATED this 24th of June, 2016



Katie Honch, Office Assistant