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7 **GROWTH MANAGEMENT HEARINGS BOARD**
8 **WESTERN WASHINGTON REGION**
9 **STATE OF WASHINGTON**

10 FRIENDS OF CLARK COUNTY &
11 FUTUREWISE,

12 Petitioners,

13 v.

14 CLARK COUNTY,

15 Respondent.

Case No.:

**FRIENDS OF CLARK COUNTY'S &
FUTUREWISE'S PETITION FOR
REVIEW COMPREHENSIVE PLAN AND
DEVELOPMENT REGULATIONS
UPDATE**

16 COMES NOW Petitioners Futurewise and 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:

22 Friends of Clark County
23 PO Box 513
24 Vancouver, Washington 98666
25 Email: info@friendsofclarkcounty.org
26 Telephone: 360 887-7880

1 (internal consistency); RCW 36.70A.110(1), (2), (3); RCW 36.70A.115; RCW
2 36.70A.130(1), (3), (5); RCW 36.70A.210(1); or RCW 36.70A.215(1)(b) because the
3 expansions were not needed to accommodate the planned growth and reasonable measures
4 were not adopted and implemented? See Amended Ordinance 2016-06-12 and Exhibit 1
5 *Clark County, Washington 20 Year Comprehensive Growth Management Plan 2015-2035*
6 pp. 11 –13, pp. 14 – 15, pp. 26 – 29, pp. 41 – 46, pp. 267 – 68, Figure 12, Figure 14, Figure
7 15, and Figure 24A; Exhibit 2 County/UGA Comprehensive Plan Clark County, Washington
8 [map]; and Exhibit 3 County/UGA Zoning Clark County, Washington [map].

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10 2. Did the adoption of Amended Ordinance 2016-06-12, including the de-designation of 57
11 acres of agricultural land of long-term commercial significance in the La Center urban
12 growth area expansion and 111 acres in the Ridgefield urban growth area expansion, violate
13 RCW 36.70A.020(8); RCW 36.70A.030(2), (10); RCW 36.70A.050(3); RCW
14 36.70A.060(1)(a); RCW 36.70A.070 (internal consistency); RCW 36.70A.130(1), (3), (5);
15 RCW 36.70A.170; RCW 36.70A.210(1); WAC 365-190-040(10)(b); or WAC 365-190-050
16 or is the de-designation inconsistent with the Clark County comprehensive plan? See
17 Amended Ordinance 2016-06-12 and Exhibit 1 *Clark County, Washington 20 Year*
18 *Comprehensive Growth Management Plan 2015-2035* pp. 10 – 12, pp. 14 – 15, pp. 43 – 44,
19 pp. 84 – 86, pp. 94 – 95, Figure 14, Figure 15, Figure 22A, Figure 22B, and Figure 24A;
20 Exhibit 2 County/UGA Comprehensive Plan Clark County, Washington [map]; and Exhibit 3
21 County/UGA Zoning Clark County, Washington [map].

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24 3. Did Amended Ordinance 2016-06-12’s amendments to the comprehensive plan including the
25 land use, rural, and capital facility plan elements, amendments to the Agriculture 20 (AG-20)
26 District to create the Agriculture 10 (AG-10) District, amendments to the Forest 40 (FR-40)

1 District to create the Forest 20 (FR-20) District, related rural rezones, or the allowed uses,
2 densities, or development standards applicable to the AG-10 or FR-40 districts, including but
3 not limited to CCC 40.210.010B and E, violate RCW 36.70A.020(8), (10); RCW
4 36.70A.040(3); RCW 36.70A.050(3); RCW 36.70A.060(1)(a); RCW 36.70A.070 (internal
5 consistency); RCW 36.70A.070(1), (3), (5); RCW 36.70A.130(1), (5), WAC 365-196-815; or
6 WAC 365-196-825 because they fail to conserve farm and forest land, protect the quality and
7 quantity of groundwater used for public water supplies, or are inconsistent with the
8 comprehensive plan? See Amended Ordinance 2016-06-12 and Exhibit 1 *Clark County,*
9 *Washington 20 Year Comprehensive Growth Management Plan 2015-2035* pp. 18 – 19,
10 Chapter 1 Land Use Element, Chapter 3 Rural and Natural Resource Element, Chapter 6
11 Capital Facilities and Utilities Element, Figure 22A, Figure 22B, and Figure 24A; Exhibit 3
12 County/UGA Zoning Clark County, Washington [map]; Exhibit 5; Exhibit 6; Exhibit 7;
13 Exhibit 8; Exhibit 9; Exhibit 25; Exhibit 26; Exhibit 28; Exhibit 30; Exhibit 31; Exhibit 32;
14 Exhibit 33; Exhibit 34; Exhibit 35; Exhibit 36; Exhibit 37; Exhibit 38; and Exhibit 39.

- 17 4. Did Amended Ordinance 2016-06-12’s adoption of a single “Rural,” comprehensive plan
18 designation, excluding limited areas of more intense rural development and similar
19 categories, in the land use and rural elements and on Exhibit 2 the “County/UGA
20 Comprehensive Plan Clark County, Washington” map, the county’s future land use map,
21 violate RCW 36.70A.020(2), (9), (10); RCW 36.70A.070 (preamble), (1), (5); or RCW
22 36.70A.130(1), (5) because the rural element fails to provide for a variety of rural densities
23 and rural uses? See Amended Ordinance 2016-06-12 and Exhibit 1 *Clark County,*
24 *Washington 20 Year Comprehensive Growth Management Plan 2015-2035* p. 10, pp. 14 –
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1 16, p. 31, pp. 36 – 45, Chapter 3 Rural and Natural Resource Element, and Figure 24A; and
2 Exhibit 2 County/UGA Comprehensive Plan Clark County, Washington [map].

3 5. Did Amended Ordinance 2016-06-12's adoption of the Urban Reserve Overlay and the
4 Urban Reserve-10 (UR-10) and Urban Reserve-20 (UR-20) zoning districts, the repeal of the
5 Urban Reserve-40 (UR-40) zoning district, and the application of the overlay and districts to
6 rural and natural resource lands violate RCW 36.70A.020(2), (8), (10); RCW 36.70A.040(3);
7 RCW 36.70A.050(3); RCW 36.70A.060(1)(a); RCW 36.70A.070 (preamble), (1), (5); RCW
8 36.70A.110(1); RCW 36.70A.115; RCW 36.70A.130(1), (3), (5); or WAC 365-196-815
9 because the land is not needed to accommodate planned urban growth and the overlay and
10 zoning does not conserve natural resource lands or comply with the requirements for rural
11 areas? See Amended Ordinance 2016-06-12 and Exhibit 1 *Clark County, Washington 20*
12 *Year Comprehensive Growth Management Plan 2015-2035* pp. 12 – 13, pp. 36 – 38, pp. 96 –
13 97, p. 192, p. 228, p. 239, p. 265, p. 276, Figures 12 – 18, Figure 24A; Exhibit 2
14 County/UGA Comprehensive Plan Clark County, Washington [map]; and Exhibit 3
15 County/UGA Zoning Clark County, Washington [map]; Exhibit 5; Exhibit 6; Exhibit 8; and
16 Exhibit 23.

17 6. Did Amended Ordinance 2016-06-12's adoption of the transportation element, including an
18 admitted deficit of \$158,104,000 for the 20-year transportation facility plan,¹ violate RCW
19 36.70A.020(3), (12); RCW 36.70A.070 (preamble), (1), (6); or RCW 36.70A.130(1), (3),
20 (5)? See Amended Ordinance 2016-06-12 and Exhibit 1 *Clark County, Washington 20 Year*
21 *Comprehensive Growth Management Plan 2015-2035* Chapter 5 Transportation, Appendix A
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26 ¹ Exhibit 1 *Clark County, Washington 20 Year Comprehensive Growth Management Plan 2015-2035* Chapter 5 Transportation p. 160. Petitioners allege the deficit is larger than this figure from Chapter 5 Transportation.

1 Transportation Issues, Appendix E Capital Facility Plans Review, Appendix G: Capital
2 Facilities Financial Plan, and Figure 24A; Exhibit 2 County/UGA Comprehensive Plan Clark
3 County, Washington [map]; and Exhibit 3 County/UGA Zoning Clark County, Washington
4 [map].

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6 7. Did Amended Ordinance 2016-06-12's adoption of the capital facilities plan element violate
7 RCW 36.70A.020(1), (12); RCW 36.70A.070 (preamble), (1), (3); or RCW 36.70A.130(1),
8 (3), (5) because it does not comply with the requirements for capital facility plan elements?

9 See Amended Ordinance 2016-06-12 and Exhibit 1 *Clark County, Washington 20 Year*
10 *Comprehensive Growth Management Plan 2015-2035* Chapter 6 Capital Facilities and
11 Utilities Element, Appendix E Capital Facility Plans Review and Analysis, Appendix G:
12 Capital Facilities Financial Plan, and Figure 24A; Exhibit 2 County/UGA Comprehensive
13 Plan Clark County, Washington [map]; and Exhibit 3 County/UGA Zoning Clark County,
14 Washington [map].

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16 8. Did Amended Ordinance 2016-06-12's adoption of the comprehensive plan's Chapter 4
17 Environmental Element and the failure to review and if necessary revise Subtitle 40.4 Clark
18 County Code (CCC), Critical Areas and Shorelines, violate RCW 36.70A.020(9), (10); RCW
19 36.70A.040(3); RCW 36.70A.050(3); RCW 36.70A.060(2), (3); RCW 36.70A.130(1), (5),
20 (7); RCW 36.70A.170; RCW 36.70A.172(1); WAC 365-190-080; WAC 365-190-090; WAC
21 365-190-100; WAC 365-190-110; WAC 365-190-120; WAC 365-190-130; Chapter 365-195
22 WAC; WAC 365-196-485; or WAC 365-196-830 because they fail to adequately designate
23 and protect critical areas. See Amended Ordinance 2016-06-12 and Exhibit 1 *Clark County,*
24 *Washington 20 Year Comprehensive Growth Management Plan 2015-2035* Chapter 4
25 Environmental Element and Figures 7 and 8.
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- 1 9. Did the adoption of Amended Ordinance 2016-06-12 violate RCW 36.70A.367(6) and RCW
2 36.70A.130(1)(d) because the industrial land banks were designated after the deadline in
3 RCW 36.70A.367(6) and RCW 36.70A.130(4)? See Amended Ordinance 2016-06-12 and
4 Exhibit 1 *Clark County, Washington 20 Year Comprehensive Growth Management Plan*
5 *2015-2035* p. 31, pp. 36 – 37, p. 97, p. 228, p. 402, and Figure 24A; Exhibit 2 County/UGA
6 Comprehensive Plan Clark County, Washington [map]; and Exhibit 3 County/UGA Zoning
7 Clark County, Washington [map].
- 9 10. Did the adoption of Amended Ordinance 2016-06-12 violate RCW 36.70A.020(8); RCW
10 36.70A.030(2), (10); RCW 36.70A.050(3); RCW 36.70A.060(1)(a); RCW 36.70A.070
11 (internal consistency); RCW 36.70A.130(1), (5); RCW 36.70A.170; WAC 365-190-
12 040(10)(b); WAC 365-190-050; or is the ordinance inconsistent the Clark County
13 comprehensive plan because it de-designated approximately 602.4 acres of agricultural lands
14 of long-term commercial significance? See Amended Ordinance 2016-06-12 and Exhibit 1
15 *Clark County, Washington 20 Year Comprehensive Growth Management Plan 2015-2035* pp.
16 10 – 12, pp. 14 – 15, p. 31, pp. 36 – 37, pp. 43 – 44, pp. 84 – 86, pp. 94 – 95, p. 97, p. 228, p.
17 402, Figure 22A, Figure 22B, and Figure 24A; Exhibit 2 County/UGA Comprehensive Plan
18 Clark County, Washington [map]; and Exhibit 3 County/UGA Zoning Clark County,
19 Washington [map].
- 21 11. Did the adoption of Amended Ordinance 2016-06-12 violate RCW 36.70A.130(1), (3), (5);
22 RCW 36.70A.210(2), (3); the applicable provisions of RCW 36.70A.365(2); or RCW
23 36.70A.367(1), (2), (3), (4), (7) by failing to comply with the procedural and substantive
24 requirements for industrial land banks? See Amended Ordinance 2016-06-12 and Exhibit 1
25 *Clark County, Washington 20 Year Comprehensive Growth Management Plan 2015-2035* p.
26

1 31, pp. 36 – 37, p. 97, p. 228, p. 402, Figure 24A; Exhibit 2 County/UGA Comprehensive
2 Plan Clark County, Washington [map]; and Exhibit 3 County/UGA Zoning Clark County,
3 Washington [map].

4 12. Does the annexation of land within an urban growth area expansion under appeal violate
5 RCW 36.70A.020(1), (2), (8); RCW 36.70A.060(1)(a); RCW 36.70A.070 (internal
6 consistency), (1); RCW 36.70A.110; RCW 36.70A.115; RCW 36.70A.130(1), (3), (5); RCW
7 36.70A.170; RCW 36.70A.215(1), (2), (3), (4); or any other applicable provision of state
8 law? See Amended Ordinance 2016-06-12 and Exhibit 1 *Clark County, Washington 20 Year*
9 *Comprehensive Growth Management Plan 2015-2035* pp. 11 –13, pp. 14 – 15, pp. 26 – 29,
10 pp. 41 – 46, pp. 267 – 68, and Figure 24A; Exhibit 2 County/UGA Comprehensive Plan
11 Clark County, Washington [map]; and Exhibit 3 County/UGA Zoning Clark County,
12 Washington [map].
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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 and supporters that are
19 landowners and residents of Clark County and who are aggrieved and adversely affected by the
20 County’s adoption of Amended Ordinance 2016-06-12 and the matters at issue in this petition.
21 Friends of Clark County staff and its supporters and members participated in the public process
22 writing emails, letters, and testifying at public hearings concerning all matters at issue in this
23 petition. The Friends of Clark County therefore assert that, in addition to other forms of standing,
24 it has participation standing to challenge the actions at issue pursuant to RCW 36.70A.280.
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1 4. In addition, the Friends of Clark County and Futurewise request that the Board
2 conclude that any annexation of the urban growth area expansions challenged in this appeal
3 violated state law and must be remedied.

4 The Petitioners, the Friends of Clark County and Futurewise, have read this Petition for
5 Review and believe the contents to be true.
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7 DATED this 22nd day of July, 2016, and respectfully submitted,

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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 July 22, 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 attachment.

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@cluhg.wa.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@clark.wa.gov

Ms. Christine M. Cook
 Sr. Deputy Prosecuting Attorney
 Clark County Prosecuting Attorney's Office
 Civil Division
 P.O. Box 5000
 Vancouver, WA 98666-5000
 Tel. 360-397-2478

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:
Christine.Cook@clark.wa.gov
Thelma.Kremer@clark.wa.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:

Tim Trohimovich