

JAN. 29 2021

GROWTH MANAGEMENT
HEARINGS BOARD

BEFORE THE
GROWTH MANAGEMENT HEARINGS BOARD
CENTRAL PUGET SOUND REGION
STATE OF WASHINGTON

FUTUREWISE,

Petitioner,

v.

PIERCE COUNTY,

Respondent.

Case No. 21-3-0001

PETITION FOR REVIEW

I. PETITIONER

1. The mailing address, telephone number, and email of the Petitioner is:

Futurewise
816 Second Avenue, Suite 200
Seattle, WA 98104
(206) 343-0681 Ext. 102
tim@futurewise.org

2. For purposes of this action all correspondence and pleadings shall be served upon the following attorney for the Petitioner:

Tim Trohimovich, Director Planning & Law
Futurewise
816 Second Avenue, Suite 200
Seattle, Washington 98104
Phone: 206-343-0681 ext. 102/Mobile 206-853-6077
Email: tim@futurewise.org

1 4. On October 29, 2020, the Council adopted Ordinance No. 2020-99s2 entitled “*An*
2 *Ordinance of the Pierce County Council Adopting Amendments to Title 19A of the Pierce County*
3 *Code, ‘Pierce County Comprehensive Plan’; Amending Chapter 14, Appendix J: South Hill*
4 *Community Plan; Adopting Findings of Fact; and Setting an Effective Date.*” On December 2,
5 2020, the Pierce County Executive signed Ordinance No. 2020-99s2 approving the ordinance. A
6 true and correct copy of Ordinance No. 2020-99s2 and its exhibits is attached to or enclosed with
7 this Petition for Review in Tab “Ord. 2020-99s2.”
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9 5. On October 29, 2020, the Council adopted Ordinance No. 2020-102s entitled “*An*
10 *Ordinance of the Pierce County Council Adopting Amendments to the Pierce County Code*
11 *Related to Community Plan Updates; Amending Title 17B, ‘Construction and Infrastructure*
12 *Regulations – Road and Bridge Design and Construction Standards,’ Title 18A, ‘Development*
13 *Regulations – Zoning,’ Title 18B, ‘Development Regulations – Signs,’ Title 18J, ‘Development*
14 *Regulations – Design Standards and Guidelines,’ and Section 18A.10.030, ‘Zoning Atlas,’ and*
15 *Adopting a New Chapter 18A.16, ‘Centers and Corridors Use Table,’ Chapter 18A.41, ‘Small*
16 *Animal Boarding Business,’ Section 18B.30.130, ‘Towne Center and Corridor Zones,’ and*
17 *Section 18J.17.025, ‘Exemptions,’ and Repealing Section 18J.30.095, ‘SR-7 Tree Enhancement*
18 *and Incentive Program’; Adopting Findings of Fact; and Setting and Effective Date.*” On
19 December 2, 2020, the Pierce County Executive signed Ordinance No. 2020-102s approving the
20 ordinance. A true and correct copy of Ordinance No. 2020-102s and its exhibits is attached to or
21 enclosed with this Petition for Review in Tab “Ord. 2020-102s.”
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23 6. On October 29, 2020, the Council adopted Ordinance No. 2020-103s entitled “*An*
24 *Ordinance of the Pierce County Council Adopting Amendments to Title 19A of the Pierce County*
25 *Code, ‘Pierce County Comprehensive Plan’; Amending Chapter 2: Land Use Element, and*
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1 *Chapter 12: Transportation Element, Related to the Community Plan Updates; Adopting*
2 *Findings of Fact; and Setting an Effective Date.*” On December 2, 2020, the Pierce County
3 Executive signed Ordinance No. 2020-103s approving the ordinance. A true and correct copy of
4 Ordinance No. 2020-103s and its exhibits is attached to or enclosed with this Petition for Review
5 in Tab “Ord. 2020-103s.”

7 7. For the first time on December 6, 2020, the News Tribune published Notices of
8 Adoption of Pierce County Ordinance Nos. 2020-96s2, 2020-97s2, 2020-98s2, 2020-99s2, 2020-
9 102s, and 2020-103s.

10 III. ISSUES PRESENTED FOR REVIEW

- 11 1. Did the draft and final environmental impact statements (EISs) for Ordinance Nos. 2020-
12 96s2, 2020-97s2, 2020-98s2, 2020-99s2, 2020-102s, and 2020-103s violate RCW
13 36.70A.020(1), (3), (8), (10), or (12); RCW 36.70A.290; RCW 43.21C.020; RCW
14 43.21C.030; RCW 43.21C.031; RCW 43.21C.060; RCW 43.21C.110; WAC 197-11-400;
15 WAC 197-11-402; WAC 197-11-420; WAC 197-11-440; WAC 197-11-442; WAC 197-11-
16 444; WAC 197-11-448; or WAC 197-11-655?
- 18 2. Did Ordinance Nos. 2020-96s2, 2020-97s2, 2020-98s2, 2020-99s2, 2020-102s, and 2020-
19 103s violate RCW 36.70A.020(1), (2), (3), (8), (10), and (12); RCW 36.70A.040(3); RCW
20 36.70A.070; RCW 36.70A.070(6); RCW 36.70A.100; RCW 36.70A.110; RCW 36.70A.130;
21 RCW 36.70A.210; or RCW 36.70A.290(2) because the ordinances were not coordinated with
22 or consistent with the Growth Management Act goals and requirements, the comprehensive
23 plans of jurisdictions with common borders, regional transportation priorities, the countywide
24 planning policies, the multicounty planning policies, Vision 2040, or Vision 2050?
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26

1 3. Did Ordinance Nos. 2020-96s2, 2020-97s2, 2020-98s2, 2020-99s2, 2020-102s, and 2020-
2 103s violate RCW 36.70A.020(1), (3), (8), (9), (10), and (12); RCW 36.70A.040(3); RCW
3 36.70A.060; RCW 36.70A.070; RCW 36.70A.070(1), (3), or (6); RCW 36.70A.110; RCW
4 36.70A.115; RCW 36.70A.130(1); RCW 36.70A.290(2); RCW 36.70A.510; or RCW
5 36.70A.530 because the ordinances violate the Growth Management Act goals and the
6 requirements for comprehensive plan and development regulation amendments including the
7 requirements for comprehensive plan and development regulation amendments including the
8 conservation of agricultural lands of long-term commercial significance and the protection of
9 critical areas?

10 IV. STANDING

11 1. Petitioner Futurewise is a Washington non-profit corporation that works
12 throughout Washington State to support land-use policies that encourage healthy, equitable, and
13 opportunity-rich communities, and that protect our most valuable farmlands, forests and water
14 resources. The organization has members that are landowners and residents of Pierce County and
15 who are aggrieved and adversely affected by the County's adoption of Ordinance Nos. 2020-
16 96s2, 2020-97s2, 2020-98s2, 2020-99s2, 2020-102s, and 2020-103s and the matters at issue in
17 this petition.
18

19 2. Futurewise staff and members participated in the public process by offering
20 testimony and writing letters and emails to the County concerning all matters at issue in this
21 petition. Futurewise therefore asserts that, in addition to other forms of standing, it has
22 participation standing to challenge the actions at issue pursuant to RCW 36.70A.280.
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24 V. ESTIMATED LENGTH OF HEARING

25 1. The Petitioner estimates that the Hearing on the Merits for this matter will last
26 approximately four hours.

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VI. RELIEF SOUGHT

1. Futurewise respectfully requests the Board to find that Ordinance Nos. 2020-96s2, 2020-97s2, 2020-98s2, 2020-99s2, 2020-102s, and 2020-103s fail to comply with the goals and requirements of the Growth Management Act and the requirements of the State Environmental Policy Act and requests that the Board to remand the matter back to Pierce County for action consistent with the Growth Management Act and the State Environmental Policy Act.

2. In addition, Futurewise requests that the Board make a determination of invalidity for Ordinance Nos. 2020-96s2, 2020-97s2, 2020-98s2, 2020-99s2, 2020-102s, and 2020-103s because the challenged provisions substantially interfere with the fulfillment of the goals of the Growth Management Act.

3. The Petitioner, Futurewise, has read this Petition for Review and believes the contents to be true.

DATED this 29th day of January 2021, and respectfully submitted,



Tim Trohimovich, WSBA No. 22367
Attorney for Futurewise