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

SPANAWAY CONCERNED
CITIZENS; ANGELA SCHICK;
MELODY ATWOOD; and DAN
ATWOOD,

Petitioners,

v.

PIERCE COUNTY,

Respondent.

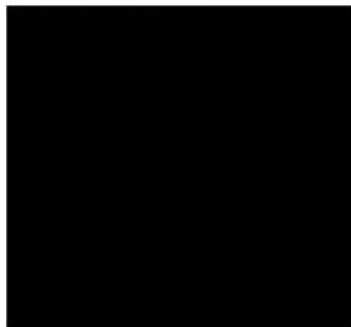
NO.

PETITION FOR REVIEW

I. PETITIONER

1.1. The mailing address, telephone number, and email of the Petitioners is:

Spanaway Concerned Citizens
PO Box 562
Spanaway, WA 98387
spanawayconcernedcitizens@gmail.com





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

David A. Bricklin
Bricklin & Newman, LLP
123 NW 36th Street, Suite 205
Seattle, WA 98107
(206) 264-8600
bricklin@bnd-law.com
With copies to: cahill@bnd-law.com; miller@bnd-law.com

II. ACTION FOR WHICH REVIEW IS SOUGHT

2.1. On March 21, 2023, the Pierce County Council adopted Ordinance No. 2023-5s entitled: An Ordinance of the Pierce County Council Allowing for Shared Housing Villages in the Residential Resource Zone of the Parkland-Spanaway-Midland Communities Plan Area of Unincorporated Pierce County by Amending Title 18A of the Pierce County Code, "Development Regulations - Zoning"; Adopting Findings of Fact; and Setting an Effective Date. On April 3, 2023, the Pierce County Executive signed Ordinance No. 2023-5s approving the ordinance. A true and correct copy of Ordinance No. 2023-5s and its exhibits is attached to or enclosed with this petition.

2.2. The notice of adoption of Ordinance No. 2023-5s was published on April 6, 2023.

III. ISSUES PRESENTED FOR REVIEW

3.1 Is Ordinance 2023-5s inconsistent with the Pierce County Comprehensive Plan (goal and policies LU-24, LU-25.4) and the Parkland-Spanaway-Midland (PSM) Community Plan (policies LU-3.1 and LU-26.3.1) and, therefore, does the ordinance violate RCW 36.70A.040(3)(d)

1 (which requires development regulations to be consistent with the comprehensive plan), because
2 the ordinance treats each “sleeping unit” as one-fourth of a “dwelling unit?”

3 3.2 By treating each “sleeping unit” as one-fourth of a “dwelling unit,” does Ordinance
4 2023-5s allow densities and resulting environmental impacts greater than those planned for in the
5 Residential Resource (RR) zone and, consequently, is the ordinance inconsistent with RCW
6 36.70A.020 (Goal 10); PSM policies LU-26.3 and LU-26.3.1; PSM Goal LU-27 and its policies;
7 Pierce County Countywide Planning Policy (CPP) ENV-3 and ENV 3.1; and VISION 2050 MPP-
8 En-5, MP- En-10, MPP-En-17, MPP-Ec-17, and MPP-PS-18?

9
10 3.3 Is Ordinance 2023-5s inconsistent with Comprehensive Plan goals LU-21 and CF-
11 17 and PSM Goal LU-1 and, therefore, is the ordinance in violation of RCW 36.70A.040(3)(d),
12 because urban levels of social and health services, postal facilities, and transportation facilities may
13 not be provided on-site (PCC 18A.28.010) and are not otherwise available to the affected
14 properties, nor is there evidence that such services can be readily and economically provided?
15

16 3.4 Does Ordinance 2023-5s conflict with PSM Goal LU-2 and, therefore, is the
17 ordinance in violation of RCW 36.70A.040(3)(d)), because the ordinance allows high intensity uses
18 to be located in areas where impacts on adjacent low intensity uses and systems will not be minimal
19 and mitigated?
20

21 3.5 Did the County violate RCW 36.70A.530 (4) and (5) by failing to provide the
22 Commander of military installations in the County with notice of and an opportunity to comment
23 on the County’s consideration of the proposed code amendments that ultimately were adopted as
24 Ordinance 2023-5s?

25 3.6 Did the County violate SEPA by making a threshold determination based on
26 information inadequate to assess the proposal’s probable impacts and, to the extent the County had

1 information, did the County violate SEPA by failing to recognize the proposal's probable
2 significant impacts and the resulting need for an environmental impact statement?

3 3.7 Do the challenged portions of Ordinance No. 2023-5s substantially interfere with
4 the fulfillment of the goals of the Growth Management Act?
5

6 **IV. STANDING**

7 4.1. Petitioner Spanaway Concerned Citizens is a Washington non-profit corporation
8 that works in Pierce County Washington State to support land-use policies that encourage healthy,
9 environmentally friendly communities, and that protect our most valuable critical areas, forests and
10 water resources. The organization has members that are landowners and residents of Pierce County
11 and who are aggrieved and adversely affected by the County's adoption of Ordinance No. 2023-5s
12 and the matters at issue in this petition.
13

14 4.2. Spanaway Concerned Citizens staff and members participated in the public process
15 by offering public testimony through in-person statements, writing letters and emails to the County
16 concerning the matters at issue in this petition. Spanaway Concerned Citizens therefore asserts that,
17 in addition to other forms of standing, it has participation standing to challenge the actions at issue
18 pursuant to RCW 36.70A.280.
19

20 **V. ESTIMATED LENGTH OF HEARING**

21 The Petitioner estimates that the Hearing on the Merits for this matter will last
22 approximately four hours.

23 **VI. RELIEF SOUGHT**

24 6.1. Spanaway Concerned Citizens respectfully requests the Board to find that
25 Ordinance No. 2023-5s fails to comply with the goals and requirements of the Growth Management
26

1 Act and requests that the Board to remand the matter back to Pierce County for action consistent
2 with the Growth Management Act.

3 6.2. In addition, Spanaway Concerned Citizens requests that the Board make a
4 determination of invalidity for Ordinance No. 2023-5s because the challenged provisions
5 substantially interfere with the fulfillment of the goals of the Growth Management Act.
6

7 **CERTIFICATION**

8 7. The petitioners have read this Petition for Review and believe the contents to be
9 true.

10 Dated this 1st day of June, 2023.

11 BRICKLIN & NEWMAN, LLP

12
13 

14 By:

15 David A. Bricklin, WSBA No. 7583
16 Attorney for Spanaway Concerned Citizens,
17 Angela Schick, Melody and Dan Atwood

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