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5 **BEFORE THE**
6 **CENTRAL PUGET SOUND**
GROWTH MANAGEMENT HEARINGS BOARD

7 SUQUAMISH TRIBE, a federally)
8 recognized Indian Tribe) **NO.**
9)
9 Petitioner,)
10) **PETITION FOR REVIEW**
10 v.)
11)
11 KITSAP COUNTY,)
12)
12 Respondent.)

13
14 **1. IDENTIFICATION OF PETITIONER**

15 **1.1 The Suquamish Tribe**
16 18490 Suquamish Way
17 P.O. Box 498
18 Suquamish, WA 98392
19 (360) 598-3311

20 **1.2 Petitioner ("Tribe" hereinafter) is represented by:**

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22 Tribal Attorney
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1 standards for proceeding with each next phase, on up to 50,000 acres of Rural Wooded
2 designated areas, and which relies upon substantial amounts of temporary 40-year open space
3 called Wooded Reserve, thereby promoting sprawl in direct contradiction to the fundamental
4 goals of the GMA?

5 3.4 Did the County fail to follow guidance under RCW 36.70A.020(1), RCW
6 36.70A.020(2) and RCW 36.70A.020(3), and fail to comply with RCW 36.70A.070(6) by
7 expanding several Urban Growth Areas as part of the 10 Year Update to its Comprehensive Plan
8 adopted with *Ordinance* 370-2006 without a compliant Transportation Element and Plan to
9 ensure that necessary facilities will be adequate and available to support development within the
10 20-year planning period?

11 3.5 Did the County fail to follow guidance under RCW 36.70A.020(1), RCW
12 36.70A.020(2) and RCW 36.70A.020(12), and fail to comply with RCW 36.70A.070(3) when it
13 designated several expanded Urban Growth Areas as part of the 10 Year Update to its
14 Comprehensive Plan adopted by *Ordinance* 370-2006 without a compliant Capital Facilities
15 Element and Plan to ensure that necessary facilities and services will be adequate and available
16 to support development within the 20-year planning period?

17 3.6 Did the County fail to comply with RCW 36.70A.215, and RCW 36.70A.070
18 (internally consistent plans) when *Ordinance* 370-2006 only lists proposed reasonable measures
19 and does not evaluate whether the listed reasonable measures are reasonably likely to increase
20 consistency with the Countywide Planning Policies (CPPs) pertaining to increasing residential
21 densities in UGAs, and does not implement any measures that are reasonably likely to increase
22 consistency with the CPPs?

23 3.7 Did the County fail to follow guidance under RCW 36.70A.020(1), RCW
24 36.70A.020(2) and RCW 36.70A.020(13) when *Ordinance* No. 368-2006 (SEPA
25 implementation ordinance) amendments allow for new categorical exemptions that will make it
26 easier for new up to four unit short plat residential developments to occur outside of UGAs, and
will allow for excavation and fill which may destroy and/or desecrate possible archeological sites
and cultural resources without providing for notice and opportunity for comment by agencies and
Indian Tribes with expertise on such possible sites and resources?

3.8 Did the County fail to follow guidance under RCW 36.70A.020(9) and RCW
36.70A.020(10), and fail to comply with RCW 36.70A.070 (internally consistent plans) and
RCW 36.70A.160 when *Ordinance* 370-2006 and Maps related thereto, do not provide (or do not
provide adequate) open space corridors for protecting wildlife and fisheries habitat in certain
streams and creeks, especially Chico Creek and Gorst Creek?

3.9 Did the County fail to comply with RCW 36.70A.040, RCW 36.70A.070, RCW
36.70A.110, RCW 36.70A.130, RCW 36.70A.215 and RCW 36.70A.3201 when *Ordinance*
370-2006 and *Ordinance* 369-2006 make substantive findings and/or conclusions, but fail to
provide any detailed explanation and analysis and/or descriptive text, including but not limited
to statements that *Ordinance* 370-2006 amendments reflect a careful balance of the GMA goals
and the local conditions of Kitsap County, that circumstances have substantially changed since

1 the 1998 Plan was adopted, that there is new information available that was not considered when
2 the 1998 Plan was adopted, and that the 10 Year Update Plan adopts reasonable measures?

3 3.10 Did the County fail to follow the guidance under RCW 36.70A.020(2), RCW
4 36.70A.020(9) and RCW 36.70.020(10), and fail to comply with RCW 36.70A.090 when
5 *Ordinance 370-2006* and the Draft Ordinance for Transfer of Development Rights allow for
6 restoration of the transferred development rights to the transferor property after 40 years?

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4. STANDING

Petitioner Tribe participated in writing and in person during the County's proceedings leading up to the adoption of the said Ordinances, and submitted recommendations to the County pertaining to the above set forth issues for review.

5. ESTIMATED LENGTH OF THE HEARING

Tribe estimates that the Growth Board's hearing on the merits will take about three to four hours.

6. RELIEF SOUGHT

6.1 Tribe seeks an order from the Board finding that Ordinance Nos. 370-2006, 367-2006, 368-2006 and 369-2006 are not in compliance with the GMA, Chapter 36.70A. RCW.

6.2 Tribe seeks an order from the Board remanding these said Ordinances back to the County and directing the County to take appropriate action to comply with the GMA, Chapter 36.70A. RCW.

6.3 Tribe seeks an order of invalidity applicable to Ordinance No. 370-2006, Ordinance No. 367-2006, Ordinance No. 368-2006 and Ordinance No. 369-2006 on the grounds that the continued validity of part or parts of the said Ordinances, 10 Year Updated Plan and regulations would substantially interfere with the fulfillment of the goals of the GMA, Chapter 36.70A. RCW.

1 6.4 Tribe further requests that the Board set an expedited hearing schedule, and
2 also require the County to take expeditious action to come into compliance with the Act.

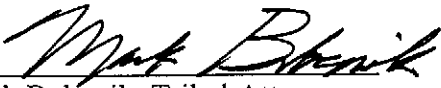
3 7. COPY OF DOCUMENTS

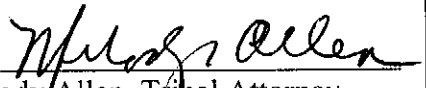
4 All of the relevant documents identified in this Petition are at Kitsap County's website
5 (<http://www.kitsapgov.com/dcd/10year/default.htm>), and many of these documents are very
6 voluminous. Attached to this Petition are the relevant portions of the four Ordinances
7 mentioned herein. Tribe will, in coordination with the County and with any other petitioners,
8 make arrangements to provide the Board with one complete hard copy set of relevant
9 documents.
10 documents.

11 Tribe has read this Petition and believe the contents to be true.

12
13 Dated this 15th day of February, 2007.

14 Respectfully submitted,

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16
17 By: 
18 Mark Bubenik, Tribal Attorney
19 WSBA 3093

20
21
22 By: 
23 Melody Allen, Tribal Attorney
24 WSBA 35084

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Suquamish\Petition for Review