

# **Bond Case Briefs**

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## **ZONING & PLANNING - WASHINGTON**

### **Clark County v. Growth Management Hearings Board**

**Court of Appeals of Washington, Division 2 - August 20, 2019 - P.3d - 2019 WL 3927449**

Citizens' organizations and county sought review of final decision and order of growth management hearings board as to county's compliance with Growth Management Act (GMA) in updating comprehensive land use and zoning plan, and organizations moved to dismiss county's petition for judicial review.

After accepting direct review of compliance order, the Court of Appeals held that:

- County's e-mailing of petition for judicial review to the board was insufficient to satisfy delivery requirement of section of Administrative Procedure Act (APA) providing for service on agency by delivery to director's office or agency's principal officer;
- Board's determination of invalidity of urban growth area provisions in plan, due to noncompliance with GMA, was prospective from date of order rather than retroactive; and
- Issues regarding validity of urban growth area designations were rendered moot by city's annexation of those area.