BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
WESTERN WASHINGTON REGION
STATE OF WASHINGTON

CITIZENS OF THE EBEY'S RESERVE FOR A HEALTHY, SAFE AND PEACEFUL ENVIRONMENT, Petitioner, v. ISLAND COUNTY, Respondent.	NO. PETITION FOR REVIEW

I. PETITIONER

1. Petitioner Citizens of the Ebey's Reserve for a Healthy, Safe and Peaceful Environment ("Citizens of Ebey's Reserve" or "COER") is a public interest, Washington nonprofit corporation based in Island County, incorporated in 2012, dedicated to protecting the health and welfare of the inhabitants of Whidbey Island and surrounding areas.

2. COER's contact information is:

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3. COER is represented in this appeal by Claudia Newman and Zachary Griefen of Bricklin & Newman, LLP, whose mailing address, phone number, and email address are:

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II. THE CHALLENGED ACTIONS

The challenged actions are:

1. Island County's adoption of the 2025 Comprehensive Plan periodic update, Ordinance No. C-34-26, titled "IN THE MATTER OF AMENDING ISLAND COUNTY'S COMPREHENSIVE PLAN IN ACCORDANCE WITH THE GROWTH MANAGEMENT ACT'S 2025 PERIODIC UPDATE," adopted by the Board of County Commissioners on June 23, 2026. A copy of Ordinance No. C-34-26 is attached to this petition for review as Exhibit A.

2. Island County's adoption of code amendments to implement the 2025 Comprehensive Plan periodic update, Ordinance No. C-35-26, titled "IN THE MATTER OF ADOPTING AMENDMENTS TO TITLES VIII, XI, XIII, XIV, XVI, AND XVII of ISLAND COUNTY CODE TO IMPLEMENT THE 2025 PERIODIC UPDATE OF THE ISLAND COUNTY COMPREHENSIVE PLAN," adopted by the Board of County Commissioners on June 23, 2026. A copy of Ordinance No. C-35-26 is attached to this petition for review as Exhibit B.

III. DETAILED STATEMENT OF THE ISSUES

1. Did the County violate RCW 36.70A.070(1), RCW 36.70A.070(2), RCW 36.70A.070(2)(h), and/or RCW 36.70A.020(1) (and the sections of the Washington Administrative Code implementing those statutory requirements) in adopting Ordinance No. C-34-26 and Ordinance

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No. C-35-26 by failing to preclude or limit further housing development in areas which, due to extreme military jet noise, are incompatible with residential development and failing to give special consideration to achieving environmental justice, including efforts to avoid creating or worsening environmental health disparities, thereby increasing risks to human life, worsening environmental health disparities on overburdened communities, reducing the vitality and durability of neighborhoods, and/or effecting high turnover and displacement in those areas?

2. Did the County fail to be guided by the goal at RCW 36.70A.020(6) and violate RCW 36.70A.070(1) and RCW 36.70A.070(2) (and the sections of the Washington Administrative Code implementing those statutory requirements) when it adopted Ordinance No. C-34-26 and Ordinance No. C-35-26 because the Comprehensive Plan and implementing code fail to acknowledge and address (a) the risks of a military jet mishap in residential areas (including loss of life and property damage), (b) the excruciating military jet noise that renders some neighborhoods incompatible with residential development, and/or (c) by failing to address mitigating measures including a property buyback program?

3. Did the County fail to be guided by the goals at RCW 36.70A.020(9) and RCW 36.70A.020(10) and violate RCW 36.70A.070(1) and RCW 36.70A.070(2) (and the sections of the Washington Administrative Code implementing those statutory requirements) when it adopted Ordinance No. C-34-26 and Ordinance No. C-35-26 because the County (a) did not specify in the code amendments at ICC 14.01B.080 and 14.01B.090 which decibel reduction metric (maximum [dBmax], day-night noise level [DNL], or [sound equivalent level [dBSEL]) is intended for measuring indoor aircraft noise and did not address at ICC 17.03.035 (residential use tables) noise-reduction measures for outside property use which is equally important as indoor use; (b) did not specify the decibel-level noise contours within which ICC 14.01B.080 and 14.01B.090 would apply; and/or (c) failed to

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disallow residential and farm worker housing within decibel-level noise contours and accident potential areas that the Navy's Air Installation Compatible Use Zone (AICUZ) report has determined to be incompatible with human occupation, which is inconsistent with other sections of Ordinance No. C-34-26 (including but not limited to Section 1.9.2, Military Airfields)?

4. Did the County fail to be guided by the goals at RCW 36.70A.020(9) (open space and recreation) and RCW 36.70A.020(10) (environment), and violate RCW 36.70A.070(8) (and the sections of the Washington Administrative Code implementing those statutory requirements) when it adopted Ordinance No. C-34-26 and Ordinance No. C-35-26 because the Comprehensive Plan's Land Use Element and the code amendments failed to alleviate interference with recreational area use and impacts to the environment due to military jet noise?

5. Did the County fail to be guided by the goals at RCW 36.70A.020(10) (environment) and RCW 36.70A.020(12) (public facilities and services) (and the sections of the Washington Administrative Code implementing those statutory requirements) when it adopted Ordinance No. C-34-26 and Ordinance No. C-35-26 by failing to verify or consider whether the boundaries for the Aircraft Accident Potential Zone (APZ) for Outlying Landing Field Coupeville, when properly calculated based on multiple flight tracks for Runway 32 pursuant to Department of Defense Instruction DODI 4165.57, include any schools or daycare centers in the APZ?

6. Did the County fail to be guided by the goal at RCW 36.70A.020(11) (citizen participation and coordination) and violate RCW 36.70A.140 (and the sections of the Washington Administrative Code implementing those statutory requirements) when it adopted Ordinance No. C-34-26 and Ordinance No. C-35-26 by failing to recognize and facilitate ways to bring together disparate interests (*e.g.*, those burdened by military jet noise and those creating that noise) to work together and consider ways to reconcile the ongoing conflict?

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7. Did the County fail to be guided by the goal at RCW 36.70A.020(13) (historic preservation) and violate RCW 36.70A.070(2)(h) (and the sections of the Washington Administrative Code implementing those statutory requirements) when it adopted Ordinance No. C-34-26 and Ordinance No. C-35-26 by failing to consider or implement mitigation of the effects of military jet noise on historic places, structures, and communities?

8. Did the County fail to be guided by the goal at RCW 36.70A.020(5) (economic development) and violate RCW 36.70A.070(7) (and the sections of the Washington Administrative Code implementing those statutory requirements) when it adopted Ordinance No. C-34-26 and Ordinance No. C-35-26 because the County states at section 1.9.2 of the new comprehensive plan that the Navy is the dominant economic force in the County's economy when no credible economic study exists that comparatively examines the costs versus benefits of all economic segments of the economy, thereby discounting other economic sectors that may be of equal or greater significance and undermining retention and expansion of existing businesses and recruitment of new businesses?

9. Did the County fail to be guided by the goal at RCW 36.70A.020 (preamble) (and the sections of the Washington Administrative Code implementing those statutory requirements) when it adopted Ordinance No. C-34-26 because the adopted Comprehensive Plan lacks internal consistency?

10. Did the County violate RCW 36.70A.040 (and the sections of the Washington Administrative Code implementing those statutory requirements) when it adopted Ordinance No. C-35-26 because the adopted development regulations are inconsistent with and fail to implement the Comprehensive Plan?

11. Would continued validity of Ordinance No. C-34-26 and Ordinance No. C-35-26 substantially interfere with fulfillment of the goals of the GMA, including the goals set out at RCW 36.70A.020(1) (urban growth), (5) (economic development), (6) (property rights), (9) (open space and

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recreation), (10) (environment), (11) (citizen participation and coordination), (12) (public facilities and services), and (13) (historic preservation)?

IV. STANDING

1. Citizens of the Ebey's Reserve (COER) is a public interest, Washington nonprofit corporation founded on Whidbey Island in 2012 to seek a more reasonable outcome for residents and visitors, wildlife and their essential habitat, and historic communities and parks that have been detrimentally impacted by ear-splitting low-level military jet training flights. COER's Board, supported by more than 1,000 members, concurs with the Growth Management Act purpose and policy that growth must be carefully planned to avoid the pitfalls of haphazard development causing community discord and unfortunate outcomes. COER's Board and members live in the area impacted by EA-18G Growler noise and are personally and deeply affected. Some have been forced to move to protect their physical and/or mental health. COER's Board was disappointed to discover that in adopting Ordinance Nos. C-34-26 and C-35-26, the County failed to recognize and apply current knowledge in adopting a new comprehensive plan and development code and failed to address or mitigate incompatible land uses. COER believes that the newly-adopted comprehensive plan and development regulations fail to meet GMA requirements and fail to mitigate the impacts of extremely loud jet noise on property rights, the environment, public places, and historic properties and communities.

2. COER has participation standing pursuant to RCW 36.70A.280(2) to file this petition for review because the organization delivered multiple written comments and suggestions to the County's Planning Department, the Planning Commission, and the County Commissioners during each step of the process for adopting Ordinance Nos. C-34-26 and C-35-26.

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3. COER and its members are aggrieved by the County's adoption of Ordinance Nos. C-34-26 and C-35-26 because the County failed to comply with the GMA, failed to provide direction and actions that would likely reduce the severity of the impacts COER's members experience, and failed to prevent or limit further development in areas unfit for human occupation. A decision in COER's favor would vacate, remand, and invalidate the challenged ordinances and thus substantially eliminate the prejudice that the County's adoption Ordinance Nos. C-34-26 and C-35-26 has caused COER.

V. ESTIMATED TIME FOR THE HEARING ON THE MERITS

Petitioner estimates that the hearing on this matter will take up to one day.

VI. RELIEF SOUGHT

Petitioner seeks the following relief:

A. An order finding that the ordinances are not in compliance with the requirements of the GMA; vacating the Island County Board of County Commissioners' decision to adopt Ordinance Nos. C-34-26 and C-35-26; and remanding the 2025 Comprehensive Plan Update and implementing code amendments to the County to take the necessary legislative actions to bring the Comprehensive Plan and code into compliance with the GMA.

B. An order of invalidity, upon determining that continued validity of the 2025 Comprehensive Plan Update and implementing code amendments would substantially interfere with fulfillment of the goals of the GMA.

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

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Dated this 24th day of August, 2026.

Respectfully submitted,

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