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2 **BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD**
3 **WESTERN REGION**
4 **STATE OF WASHINGTON**
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6 WILLIAM TURNER AND IAN MUNCE, ET AL.

CASE No. 26-2-0001c

7 Petitioners,

8 Vs

**THIRD ORDER OF CONSOLIDATION
AND SECOND PRE-HEARING ORDER**

9 CITY OF ANACORTES.

10 Respondent

MOTION TO REINSTATE ISSUE 4

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13 **INTRODUCTION**
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15 The City's has failed to comply with its adopted Public Participation Plan and undertake a
16 comprehensive SEPA review early in the 2026 Comprehensive Plan/Development Review Periodic Update, i.e.
17 **Spring 2026**, Munce Declaration, Attachment A. Three foundational documents have yet to be deliberated on and
18 adopted: a sewer plan, a stormwater plan, and a forestlands plan. The first two are still subject to a SEPA appeal
19 and the third is still open for public comment.
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22 Petitioner will be filing a Dispositive Motion on this egregious SEPA piecemealing and failure to
23 "**meaningfully** engage with the SEPA process". *King County v. Friends of Sammamish Valley, No. 102177-*
24 *1* (emphasis in original). It is the pattern of behavior that Petitioners are challenging, a pattern of behavior that
25 violated the GMA's mandate for "early and continuous public participation". RCW 36.70A.140.
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DEFENDANT'S NAME - 1

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2 3. Washington State Court Civil Rule 8 should be used by the Board to guide its Statement of the
3 Issues: (e)1 “Each averment of a pleading, shall be simple, concise, and direct. No technical forms of pleadings or
4 emotions are required“ and (f) “All pleadings shall be construed as to do substantial justice”.

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7 **ARGUMENT**

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9 Given the information and facts provided by the Petitioner in his Declaration, Attachment A, and
10 the Statutory and Case Law, reinstatement of Issue # 4 is entirely appropriate and, frankly, in all fairness to
11 Petitioners, required. There is no extra burden on the City as to “The Record”. The Record for the 2025 CP/DR
12 Periodic Update must of necessity include all the relevant SEPA documentation and from the appeals filed by
13 Petitioner Munce all the issues were and are squarely before the City and the Board..

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16 Typically, the Board seeks under its Rules to clearly define the issues for the benefit of all parties.
17 Here, though, Petitioners are faced with a record that is still being developed as to the substantive content of
18 three foundational plans. Under these facts, Petitioners chose not to narrow their SEPA issues as might normally
19 be appropriate under the Board’s rules. Further, Petitioners consider that it should be determinative that a formal
20 adjudication of their SEPA appeal occurred before the City Council and that the issues Petitioner Munce appealed
21 on and briefed speak for themselves and in the interests of justice and procedural due process Issue #4 should
22 under the facts of this case not be simply dismissed because of technical form.

1 **CONCLUSION**

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3 Based on the facts and current law, Petitioner respectfully submits and requests that Issue #4 be

4 reinstated.

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7 DATED this 5th day of March, 2026

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10 *s/ Ian S. Munce*

11 Ian S. Munce, WSBA No. 21527

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14 *s/ Ian S. Munce*

15 Ian S. Munce

16 WSBA No. 21527

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19 Ian S. Munce, J.D., AICP

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DEFENDANT'S NAME - 5

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DEFENDANT'S NAME - 6