

Supreme Court of the State of Washington

Opinion Information Sheet

Docket Number: 76581-2
Title of Case: 1000 Friends of Wash. v. McFarland
File Date: 12/21/2006
Oral Argument Date:

SOURCE OF APPEAL

Appeal from King County Superior Court

Docket No: 04-2-37112-1
Judgment or order under review
Date filed: 01/11/2005
Judge signing: Honorable Palmer Robinson
JUSTICES

See the end of the opinion for the names of the signing Justices.

COUNSEL OF RECORD

Counsel for Appellant(s)

Richard M. Stephens
Groen Stephens & Klinge LLP
11100 Ne 8th St Ste 750
Bellevue, WA, 98004-4469

Diana M Kirchheim
Groen Stephens & Klinge LLP
11100 Ne 8th St Ste 750
Bellevue, WA, 98004-4469

John Maurice Groen
Groen Stephens & Klinge LLP
11100 Ne 8th St Ste 750
Bellevue, WA, 98004-4469

Counsel for Respondent(s)

John T. Zilavy
Futurewise
1617 Boylston Ave Ste 200
Seattle, WA, 98122-6730

Darren E. Carnell
Office of the Prosecuting Attorney

516 3rd Ave Rm W400
Seattle, WA, 98104-2385

Janine Elizabeth Joly
Office of the Prosecuting Attorney
516 3rd Ave Rm W400
Seattle, WA, 98104-2385

Stephen Paul Hobbs
Office of the Prosecuting Attorney
516 3rd Ave Rm W400
Seattle, WA, 98104-2385

Karen Allston
Quinault Indian Nation
Po Box 189
Taholah, WA, 98587-0189

Shirley Waters Nixon
Center for Environmental Law & Policy
2400 N 45th St Ste 101
Seattle, WA, 98103-6973

Amicus Curiae on behalf of Attorney General

Timothy Dunning Ford
Office of Attorney General
1125 Washington St Se
Po Box 40100
Olympia, WA, 98504-0100

Amicus Curiae on behalf of Washington Environmental Council

David Scott Mann
Gendler & Mann LLP
1424 4th Ave Ste 1015
Seattle, WA, 98101-2217

Lauren Rice Burgon
Attorney at Law
3217 44th Ave Sw
Seattle, WA, 98116-3324

Ryan Esq Vancil
Vancil Law Offices, PLLC
727 Ericksen Ave Ne Ste No4
Bainbridge Island, WA, 98110-1882

Amicus Curiae on behalf of Association of Washington Cities

Laura Beth Wishik
Seattle City Attorneys Office
Po Box 94769
Seattle, WA, 98124-4769

Thomas Aquinas Carr
Seattle City Attorneys Office
Po Box 94769
Seattle, WA, 98124-4769

Amicus Curiae on behalf of Trade & Economic Development Washington State Dept of
Community

Robert Kirk Costello
Attorney at Law
1125 Washington St Se
Po Box 40100
Olympia, WA, 98504-0100

Alan D. Copsey
Aty General's Ofc
7141 Cleanwater Dr Sw
Po Box 40109
Olympia, WA, 98504-0109

Amicus Curiae on behalf of Master Builders Association of King and Snohomish Counties

Robert D. Johns
Johns Monroe Mitsunaga PLLC
1601 114th Ave Se Ste 110
Bellevue, WA, 98004-6969

Duana Theresa Kolouskova
Johns Monroe Mitsunga PLLC
1601 114th Ave Se Ste 110
Bellevue, WA, 98004-6969

Amicus Curiae on behalf of Pacific Legal Foundation

Andrew C Cook
Building Industry Association of Washing
Po Box 1909
111 West 21st Avenue
Olympia, WA, 98507-1909

Russell Clayton Brooks
Pacific Legal Foundation
10940 Ne 33rd Pl Ste 210
Bellevue, WA, 98004-1432

1000 Friends of Washington, v. McFarland
Majority by Chambers, J.
Concurrence by C. Johnson, J.

No. 76581-2

C. JOHNSON, J. (concurring) -- The majority reaches the correct result which

is compelled by our prior case authority. The majority opinion, when stripped of its

unnecessary rhetoric and hyperbole, can be summarized simply: where the state law

requires local government to perform specific acts, those local actions are not

subject to local referendum.

The Growth Management Act (GMA), chapter 36.70A RCW, is a statewide coordinated effort to, among other things, encourage urban planning and development, reduce sprawl, and protect the environment. RCW 36.70A.020.

Under RCW 36.70A.130(1)(a), King County is required to review and, if necessary,

revise its comprehensive land use plan and development regulations to ensure

compliance with the GMA. Revisions may occur when, upon review, the county finds they are necessary to accomplish the stated goals of the GMA. Here, King

County, after an extensive review process, found the challenged ordinances were

necessary to protect critical areas. Thus, King County was statutorily

Cause No. 76581-2

required to adopt the ordinances.

In *Whatcom County v. Brisbane*, 125 Wn.2d 345, 884 P.2d 1326 (1994), we

were presented with the question of whether a critical areas ordinance adopted by

the Whatcom County Council pursuant to the GMA was subject to amendment by referendum under the county's home rule charter. In holding the ordinance was not

subject to referendum, we observed the Act provides for an extensive public participation scheme and notably lacks a referenda provision. Neither the appellant

