

**CENTRAL PUGET SOUND
GROWTH MANAGEMENT HEARINGS BOARD
STATE OF WASHINGTON**

PHILIP HANSON, ANNE)	Consolidated
HERFINDAHL, ANNE)	Case No. 98-3-0015c
WOODWARD, JAKE)	<i>(Hanson)</i>
JACOBOVITCH and VASHON-)	ORDER DENYING
MAURY ISLAND COMMUNITY)	RECONSIDERATION AND
COUNCIL,)	MOTION TO COMPEL
Petitioners,)	
v.)	
KING COUNTY,)	
Respondent,)	
and)	
SPRINT PCS,)	
Intervenor.)	
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I. Procedural Background

On September 28, 1998, the Board issued an “Order Granting Dispositive Motions”^[1]. The Order **dismissed with prejudice** the challenge to King County’s approval of three conditional use permits as raised in PFR 98-3-0014. Legal Issues 2 through 6 continued in Consolidated Case No. 98-3-0015c.

Also on September 28, 1998, the Board issued an “Order on Motions to Supplement the Record.” The Order noted the items in the County’s Corrected Index, and added Index Nos. 1056 through 1064 to the record. Also on September 28, 1998, the Board received Petitioners’ “Motion Requesting Board to Compel Respondent King County to Provide Complete Index.” (**Motion to Compel**)

On October 7, 1998, via facsimile transmission, the Board received Petitioners’ “Motion for

Reconsideration.”Petitioners asked the Board to reconsider its “Order Granting Dispositive Motions.”The Board also received “King County’s Response to Petitioners’ Motion Regarding Discovery -- with attached Declaration of Darren E. Carnell.”(**County Response**) On October 8, 1998, the Board received Petitioners’ “Amended Motion for Reconsideration.” On October 9, 1998, the Board received “Memorandum of Sprint PCS in Opposition of Motion for Reconsideration.”

MOTION FOR RECONSIDERATION

The Board’s Rules of Practice and Procedure provide for reconsideration of final decisions.WAC 242-02-832.The Board’s “Order Granting Dispositive Motions” is a final decision of the Board subject to reconsideration.WAC 242-02-040.However, neither Petitioners’ original nor amended Motion for Reconsideration persuades the Board that RCW 36.70A.280 confers jurisdiction upon the Board to review land use project permit decisions, such as conditional use permits.Petitioners’ “Motion for Reconsideration” is **denied**.

MOTION TO COMPEL

Petitioners ask the Board to compel King County to identify certain information regarding Index No. 3024 -- Minor Communication Facility Authority.(Motion to Compel, at 1.)Regarding Index Item No. 3024, Petitioners asks that King County answer:1) Who prepared the document?; 2) To whom was it sent?; 3) When was it created and/or became effective and any other relevant information?(Motion to Compel, at 2.).The Board construes this request as a motion to allow discovery.

The Board’s rules provide:

(1)Discovery shall not be permitted except upon an order of a board or its presiding officer.
WAC 242-02-410.

The Board declines to order discovery regarding Index No. 3024.Petitioners’ motion to compel is **denied**.

ORDER

Based upon review of the briefs and material submitted by the parties, the Act, the Board’s Rules, the Board enters the following Order:

Petitioners’ “Motion for Reconsideration” of the Board’s September 28, 1998, “Order Granting Dispositive Motions” is **denied**.

Petitioners’ “Motion Requesting Board to Compel Respondent King County to Provide Complete Index” is **denied**.

So ORDERED this 15th day of October 1998.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Edward G. McGuire, AICP
Board Member

Joseph W. Tovar, AICP
Board Member

Chris Smith Towne
Board Member

Note: This Order constitutes a final order as specified by RCW 36.70A.300 unless a party files a motion for reconsideration pursuant to WAC 242-02-832.

[\[1\]](#) The Order Granting Dispositive Motions dismissed a challenge to (Legal Issue No. 1) King County's approval of three conditional use permits that were the subject of a separate petition for review (Case No. 98-3-0014) that was consolidated with the challenge to King County's adoption of Ordinance No. 13129 (Consolidated Case No. 98-3-0015c).