

**State of Washington
GROWTH MANAGEMENT HEARINGS BOARD
FOR EASTERN WASHINGTON**

CITIZENS FOR GOOD GOVERNANCE, 1000 FRIENDS
OF WASHINGTON and CITY OF WALLA WALLA,
Petitioner,

v.

WALLA WALLA COUNTY, and the BOARD OF
COUNTY COMMISSIONERS FOR WALLA WALLA
COUNTY, its legislative body,

Respondents.

Case No. 01-1-0015c

ORDER ON RESPONDENTS'
MOTION TO SUPPLEMENT THE
RECORD

I. BACKGROUND

On February 21, 2002, Respondent Walla Walla County filed its Motion to Supplement the Record in the above captioned matter.

On March 11, 2002, the Board held a telephonic hearing to hear arguments pertaining to Respondents' Motion to Supplement the Record.

Respondent asked the Board to supplement the record as follows:

A. The Walla Walla Conservation District Long Range Plan, which includes United States Department of Agriculture Soil and Conservation Service ("SCS" now known as the National Resources Conservation Service, "NRCS") soils maps and prime and unique agricultural lands data and information (Krueger Decl., Attachment A);

B. Maps in Geographic Information System ("GIS") format showing soils, floodplain, and other information utilized by the Walla Walla County Resource Lands Committee in analyzing agricultural land designations and by the County in making such designations (Krueger Decl., Attachments B, H, I & J);

C. Information on available public water system hookups in the Rural Transition designation utilized by the County in making Rural Transition designations (Krueger Decl., Attachment C);

D. List of Prime When Irrigated and Prime Drylands utilized by the County in designating agricultural resource lands (Krueger Decl., Attachment D);

E. Maps used to establish logical outer boundaries of Sun Harbor Estates and

Blalock Orchards Rural Areas of More Intense Development (RAIDs) (Krueger Decl., Attachment E, F, and G);

F. Declaration of Connie Krueger, Planning Director of Walla Walla County, identifying material relied upon by the County to designate agricultural resource lands but inadvertently omitted from the Index of Record; providing maps showing soils and other information utilized by the County to designate agricultural resource lands; providing rural population statistics; providing recent building permit and land use approval statistics for the rural area; providing a professional opinion on rural growth rates; explaining how the Buildable Lands Analysis was prepared; explaining the intent of Walla Walla County's Comprehensive Plan as to the Rural Floating designation; explaining the process for designation of natural resource agricultural lands in the Comprehensive Plan; providing an estimate of actual buildable lots in the Rural Transition designation; and describing the cluster zoning technique allowed in the Primary Agricultural designation.

Discussion:

The majority of the above exhibits are additions to the index, not supplements to the record. Those exhibits asked to be added to the index are claimed inadvertent omissions from the record of items used in the adoption of Ordinance #2001-10.

The Board errs on the side of inclusion rather than exclusion with exhibits existing prior to adoption. If the documents existed prior to the adoption of the Ordinance, it is often difficult to determine if they were in fact used. The County claims these exhibits were used.

However, the Board is hesitant to supplement the record with items that did not exist at the time the County Commissioners adopted Ordinance #2001-10. Supplemental evidence will be admitted only if it is necessary or of substantial assistance to the board in reaching its decision. Exhibits such as the summaries, written arguments, or explanations prepared by staff are particularly problematic. The declaration by Connie Krueger, A.T.C.P., while helpful to the attorney for the Respondent, is clearly argumentative and the bulk of it should not be allowed to supplement the record. However, sections 10, 11, 12, and 13 of the Krueger declaration are helpful to the Board and should be admitted.

The Petitioners have no objection to the inclusion of Attachments D, E, and F.

ORDER

Having heard the argument of counsel and considering the parties' briefs, this Board ORDERS the index be amended allowing the following items to be included as part of the record: Attachments A, B, C, D, E, F, G, H, I, and J. Further, the record is supplemented by the addition of sections 10, 11, 12, and 13 of the Declaration of Connie Krueger.

The record will not otherwise be supplemented with the Declaration of Connie Krueger.

SO ORDERED this 13th day of March 2002.

EASTERN WASHINGTON
GROWTH MANAGEMENT HEARINGS BOARD

Judy Wall, Board Member

Dennis Dellwo, Board Member

D. E. "Skip" Chilberg, Board Member