

**BEFORE THE WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD**

RAYMOND AND LIANN VINES,)	
)	No. 98-2-0018
Petitioner,)	
)	ORDER RE:
v.)	MOTIONS
)	
JEFFERSON COUNTY,)	
)	
Respondent.)	
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Jefferson County's comprehensive plan (CP) was adopted by Resolution #97-88. A notice of adoption was published September 2, 1998. On November 2, 1998, we received a petition for review (PFR) from Mr. and Mrs. Vines.

The petition stated that the Vines were owners of lots 1-3 of the plat of Melwood Terrace in Jefferson County. The Vines contended that lot 1 of the property had been previously vested to commercial and, although not designated as commercial in the Rural Village Center (RVC) zone, was in fact intended to be in the commercial area of the RVC. This, they maintained, was confirmed by a resolution or letter dated October 26, 1998. The petition only challenged the County's failure to include lot 2 within the RVC commercial zone as the failure to comply with the Growth Management Act. Lot 2 had been designated as rural residential in the CP.

A prehearing conference was held December 15, 1998. In discussing the issues, petitioners' attorney acknowledged that the challenge was a site-specific one involving lot 2.

On December 30, 1998, petitioners filed motions to amend their petition, to allow limited discovery by deposition, and to supplement the record. The County's response was promptly filed on January 11, 1999, and a telephonic conference hearing was held January 12, 1999. We notified the parties of our decision the morning of January 13, 1999. This order sets forth the reasons for that decision.

The original motion to amend the petition requested authorization to include all of the allegations contained in a companion case of *Cotton Corporation, Inc., v. Jefferson County*, #98-2-0017. During the hearing, petitioners' attorney acknowledged that a more specific issue concerning the authority of a county to adopt a commercial zone without a designation of an urban growth area was the one intended to be raised. Counsel for the County had no objection to the addition of such an issue. Therefore, as to that issue, the motion to amend is granted and the issue will be included in the prehearing order.

Petitioners also moved for limited discovery by deposition of certain County officials and employees. The written motion contended that the County, and particularly the Board of County Commissioners (BOCC), engaged in "extra record" meetings prior to the decision not to abide by a letter agreement entered August 12, 1998, between the petitioner's attorney and the Director of Community Planning. During the motions hearing, the parties discussed this motion in the context of meetings that occurred subsequent to the adoption of the CP.

A second basis for the request for limited discovery was to clarify the status to lot 1 in light of the October 26, 1998, letter.

Both grounds submitted by petitioner involve issues relating to lot 1. Lot 1 was not part of the challenge in the PFR which directed its entire focus on the alleged misdesignation of lot 2. Petitioners contended that the legal status designation of lot 1 was an integral question necessary to be resolved for the issue concerning lot 2. We do not agree. The current dispute between petitioners and the county as to lot 1 appears to involve questions of vesting and/or contract law. Neither of those items are within our jurisdiction.

Ultimately, petitioners have failed to carry their burden of demonstrating that the proposed discovery would lead to evidence that would be "necessary or of substantial assistance" to us in deciding this case. Evidence concerning lot 1 does not appear to be of value in deciding the case as to designation of lot 2. Additionally, infusion of the lot 1 issue, even if within our jurisdiction, at this late date would potentially inject confusion and most certainly would involve additional complexities that were not part of the original PFR.

The request for supplementation of the record is likewise denied, except as to the letter from the BOCC to petitioners dated October 26, 1998. The letter states that the County determined that the initial rural residential designation of lot 1 was in error and that the map would reflect a designation of RVC commercial.

We find that this evidence is necessary and will be of substantial assistance in reaching our decision as to the issues properly presented in this case.

So ORDERED this 21st day of January, 1999.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

William H. Nielsen
Board Member

Les Eldridge
Board Member