

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

TOWN OF FRIDAY HARBOR, FRED R. KLEIN, )  
JOHN M. CAMPBELL, LYNN BAHRYCH, et al., ) No. 99-2-0010c  
)  
Petitioners, ) ORDER RE:  
) RECORD  
v. )  
)  
SAN JUAN COUNTY, )  
)  
Respondent, )  
)  
and )  
)  
JOE SYMONS, FRIENDS OF THE SAN JUANS, and )  
KAREN J. KEY SPECK, et al., )  
)  
Intervenors. )  
)  
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MICHAEL DURLAND, et al., )  
) No. 00-2-0062c  
Petitioner, )  
) ORDER RE:  
v. ) RECORD  
)  
SAN JUAN COUNTY, )  
)  
Respondent, )  
)  
and )  
)  
OPAL COMMUNITY LAND TRUST, et al., )  
)  
Intervenors. )  
\_\_\_\_\_)

Between January 2, 2001, and January 11, 2001, various petitioners filed motions to supplement

the record. San Juan County filed its response on January 22, 2001. Stephens and Bahrych filed replies on January 24, 2001.

For certain documents the County and Petitioners stipulated to admissibility. The County noted that in some instances, the requested items were already in the record. This order will only deal with those requests under dispute.

As a general proposition we reject proffered supplemental evidence compiled after the decision of the local government has been made. We have on occasion allowed subsequently developed evidence to be admitted for issues involving invalidity but not for initial compliance determinations. We have also allowed relevant supplemental evidence of materials available to the County, often times developed by the County, which were not specifically included in the record of deliberations during the County's process. We do not admit newspaper articles.

Petitioner Mudd's motion to supplement the record with the December 7, 2000, minutes of the Eastsound Planning Review committee is denied. The purported evidence was developed after the decision of San Juan County and is of limited relevance.

Petitioners' and Intervenor Stephens' request to allow the December 28, 2000, GIS database and maps generated by that data is granted. While we recognize the County's concerns that the portion of the record was adopted after the October 2000 amendments, the County is correct that the data is "public information." It is disputed whether Petitioners could have obtained and analyzed this data prior to the October 2000 amendments. The County had control over when and how this data would be available.

Petitioners' request to supplement the record with the ATP database is denied unless the County uses or references the data in its argument. The purported evidence is of marginal relevance. We will only admit maps and charts produced from the GIS database without consideration of the ATP. The County is free to challenge the accuracy of the maps and charts.

The portions of the San Juan County Watershed Management Plan requested by Petitioners is admitted. We presume the BOCC knew the contents of its own plan when the October 2000

amendments were adopted.

Petitioners' request for updating the information immediately preceding the March 6, 2001, hearing is denied.

Participant Steed's and Intervenors Stephens' request to supplement the record with a spreadsheet regarding UDC 4.19 is granted, but only as an illustrative exhibit. We will decide this case by reference to the UDC.

Item 3.9 (Ex. H) of the Klein motion is admitted because it was a document available to the County prior to the October 2000 amendments. The March 8, 2000, EPRC minutes (Ex. J) is admitted for the same reason. Ex. M (a newspaper article) is not admitted.

Ex. D (letter from Eastsound Sewer and Water District), Ex. K, and Ex. L, all were developed after the local government decision and will not be admitted.

Ex. I (map of existing collection lines of the Eastsound sewer and water district) will be admitted because it was not objected to by the County. As noted by the County, the other maps are already in the record and Mr. Klein is free to make arguments and develop such illustrative exhibits as he wishes.

So ORDERED this 24<sup>th</sup> day of January, 2001.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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William H. Nielsen  
Board Member