

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

2
3 JOHN CAMPBELL,

4
5 Petitioner,

Case No. 09-2-0014

6 v.

**ORDER ON PETITIONER'S SECOND
MOTION TO SUPPLEMENT THE
RECORD**

7
8 SAN JUAN COUNTY,

9 Respondent,

10 And

11
12 FRED KLEIN,

13 Intervenor.
14

15
16 Petitioner has moved to supplement the record with Ordinance 47-2007, described as an
17 ordinance designating an expansion of the Friday Harbor UGA.¹ The County has not filed
18 an objection to the motion.
19

20 **I. STANDARD OF REVIEW**

21 For purposes of supplementation, the Board must be convinced that “. . .proposed
22 supplemental evidence is necessary or will be of assistance in reaching [its] decision.” San
23 Juan Floatplane Defense, et al., vs. San Juan Cy., et al., WWGMHB No. 99-2-0005, May 3,
24 2005 p.1 (Order on Supplementation).
25

26 RCW 36.70A.290(4)provides:

27 (4) The board shall base its decision on the record developed by the city, county,
28 or the state and supplemented with additional evidence if the board determines
29 that such additional evidence would be necessary or of substantial assistance to
30 the board in reaching its decision.

31 In addition, WAC 242-02-540 provides:
32

¹ Petitioner's Motion to Supplement the Record and Memorandum in Support Thereof, filed October 30, 2009.
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1 Generally, a board will review only the record developed by the city, county, or
2 state in taking the action that is the subject of review by the board. A party by
3 motion may request that a board allow such additional evidence as would be
4 necessary or of substantial assistance to the board in reaching its decision, and
5 shall state its reasons. A board may order, at any time, that new or supplemental
6 evidence be provided.

7 The burden is on the party motioning to supplement the record to sufficiently demonstrate to
8 the Board in its motion “. . . why the parties believe that the additional evidence would be
9 necessary or of substantial assistance to the Board.” Heikkila, Battin & Panesko v. City of
10 Winlock & Cardinal FG Co., WWGMHB No. 04-2-0020c, December 16, 2004 (Order on
11 Motions to Supplement).

12 13 II. DISCUSSION

14 Petitioner has moved to supplement the record with San Juan County Ordinance No. 47-
15 2007. Petitioner argues that “fundamental to the process of planning for affordable housing
16 are the work of population projection, analysis of the needs of that population and
17 designating a UGA expansion where the growth should and could occur in order that it will
18 occur.”² Petitioner points out that low, moderate and middle income housing can occur only
19 in the UGAs and Issues 2, 3 and 9 concern the Friday Harbor UGA. Petitioner notes that
20 Ordinance No. 47-2007 adopts the Friday Harbor UGA boundary expansion, but that the
21 Town of Friday Harbor has adopted a different UGA from the County designation. Petitioner
22 urges that it is important for the Board to know what is the adopted UGA boundary since not
23 all Town and County documents agree on this subject.
24
25

26 In that the document is related to the issues before the Board in this appeal, that it appears
27 that it would be of substantial assistance to the Board in reaching its decision, and in light of
28 the lack of an objection from the County, the Record will be supplemented with Ordinance
29 47-2007.
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² Petitioner’s Motion at 1-2.

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III. ORDER

For the forgoing reasons, Petitioner's Motion to Supplement the Record with San Juan County Ordinance 47-2007 is GRANTED.

Petitioner is reminded that all exhibits upon which he intends to refer in his brief for the Hearing On the Merits must be attached to that brief.

DATED this 17th day of November, 2009.

James McNamara, Presiding Officer