

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

WARREN DAWES, JOHN E. DIEHL, GORDON)	
JACOBSON, JUTTA RIEDIGER, VERN RUTTER, and)	No. 96-2-0023c
KERRY HOLM, individually and as members of the)	
MASON COUNTY COMMUNITY DEVELOPMENT)	ORDER DENYING
COUNCIL (MCCDC), a non-profit association,)	MOTION FOR
)	RECONSIDERATION
Petitioners,)	
)	
v.)	
)	
)	
MASON COUNTY,)	
)	
Respondent,)	
)	
and)	
)	
PETER E. OVERTON, et al., McDONALD LAND)	
COMPANY, HUNTER CHRISTMAS TREES, HUNTER)	
FARMS, SOUTH 101 CORRIDOR GROUP, Inc., and)	
MANKE LUMBER COMPANY,)	
)	
Intervenors,)	
)	

On August 23, 2002, we received a motion for reconsideration from Petitioner John Diehl.

Residential Development in LAMIRDS

In his motion, Petitioner Diehl asked us to reconsider our decision regarding residential development in limited areas of more intensive rural development (LAMIRDS). Residential development in LAMIRDS was only tangentially addressed in our order. Our order required an assessment of the environmental impact of the 13 previously undesignated LAMIRDS which lacked a final

supplementary environmental impact statement (FSEIS). It also required such an assessment of any residential development there might be in the 194 new LAMIRDs, which were characterized by the County as parcels with “nonresidential land uses in the rural area and outside of the other designated LAMIRDs.” Exhibit #3206.

Petitioner Diehl claimed that densities of one dwelling unit per 2.5 acres are urban in character and precluded by RCW 36.70A.110(1) in non-urban areas. Under this record, the County’s maps show Rural Residential 2.5 density occurring only in Rural Activity Centers (RACs). Exhibit #3231. A RAC is a LAMIRD. “More intensive” in “LAMIRD” refers to the existence of development at densities higher than normally found in non-LAMIRD rural areas. A one unit per acre, or a 2.5 unit per acre density within a LAMIRD is not necessarily noncompliant. The LAMIRD section of the Growth Management Act accommodates the reality of the existence of such “more intensive” rural density areas on a “limited” basis.

Commercial Development in Rural Tourist Districts

Mr. Diehl requested that we declare Mason County Code Section 1.04.600 invalid because he claimed the range of uses permitted in the “Rural Tourist” designation allows uses incompatible with rural character, giving rise to low density sprawl.

We required the County, in response to our August 14, 2002 order, to map the 194 new LAMIRDs. Eighty five percent of the acreage of those LAMIRDS is Rural Tourist (Exhibit #3206). When mapping is complete, the uses within those Rural Tourist LAMIRDs will then become evident. The County’s response to our order will be subject to petition for review in a new action within 60 days of its adoption by the County.

Open Space Corridors

Petitioner Diehl contended that our order did not go far enough by merely finding noncompliance with Section .160 of the Act (identifying open space corridors) and that we should have found the County further noncompliant for failure to adopt development regulations (DRs) to implement those open space corridors. As the open space corridors are not yet identified, a challenge to the County for failure to adopt DRs implementing the corridors is not before us. At the time the County responds to our remand by completing its identification and mapping of open space corridors (including its initial efforts in the Allyn-to-Belfair corridors already mapped), a challenge for failure to adopt DRs implementing all open space corridors might be made.

The motion for reconsideration is denied.

So ORDERED this 30th day of August, 2002.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Les Eldridge
Board Member

William H. Nielsen
Board Member