

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

JOHN E. DIEHL, KERRY HOLM, GORDON	)	
JACOBSON, and VERN RUTTER, individually,	)	No. 95-2-0073
and as members of the MASON COUNTY	)	(ARL)
COMMUNITY DEVELOPMENT COUNCIL	)	
(MCCDC),	)	ORDER FINDING
	)	COMPLIANCE
Petitioners,	)	
	)	
v.	)	
	)	
MASON COUNTY,	)	
	)	
Respondent,	)	
	)	
and	)	
	)	
PETER OVERTON, DONALD B. PAYNE,	)	
McDONALD LAND COMPANY, HUNTER	)	
CHRISTMAS TREES, HUNTER FARMS,	)	
SKOOKUM LUMBER COMPANY, MANKE	)	
LUMBER COMPANY and MASON COUNTY	)	
PRIVATE PROPERTY ALLIANCE (MCPPA),	)	
	)	
Intervenors.	)	
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On November 21, 2000, a telephonic compliance hearing (#12 in this case) regarding agricultural resource lands (ARL) was held. Les Eldridge, William H. Nielsen, and Nan Henriksen were present for the Board. Mr. Bob Fink of the County planning staff was present for the County as well as Mike Clift and Robert Sauerlender from the Prosecutor’s Office. Petitioners Diehl and MCCDC opted not to participate, although Mr. Diehl’s October 16, 2000 brief was retained at his request. Mr. Diehl withdrew his reply brief of November 10, 2000. He stated in his notice of November 17, 2000, that he was “not contesting the County’s compliance in the context of the November 21, 2000, hearing .” The County rested on its brief and did not present argument. Mr.

Fink answered questions from the Board.

In his brief, Mr. Diehl contended that the County had failed to maintain and enhance ARLs, alleging that the “right-to-farm” provision, restrictions on subdividing ARLs, and setbacks, were inadequate to maintain and enhance. He called for assurance in the regulations that ARLs will maintain their agricultural productivity.

The County claimed that it had demonstrated its rationale for using the 1997 U.S. Federal Census of Agriculture (Census) information in the designation of some wood lots, housing lots, ponds, pastures, and range lands and not others. It explained that the Census was intended as a background document to demonstrate that the additional acreage designated as ARL was consistent with what was suggested by the Census information. The County asserted that the Census, while useful as a background information document, is not useful as a firm indicator of agricultural acreage because; 1) the farms are not identified by location and need not even be in Mason County; 2) the acreages are self reported numbers; 3) the acreages include woodlands which are forested lands and may not be appropriate for agriculture; and 4) there is no indication of suitable soils on the farms listed in the census. Further, the farms are credited to a County based on place of residence of the owner, and not on the location of the farm.

The County, in response to our remand, clearly defined “surround” according to its dictionary meaning: “to encircle on all sides simultaneously.” Additionally, in Section .061 of Ordinance #52-00, the County allows as designated lands, lands adjacent to lands qualifying under classification criteria 1 to 3, where “adjacent to” means “at least 50% of the property line adjoins resource lands not including water bodies, provided this creates a more regular or logical boundary.” Criteria 1 to 3 include:

- existing commercial agricultural use;
- agricultural use as of January 1991;
- agricultural use identified as the principal use of the property;
- a minimal parcel size of 10 acres; and,
- prime farmland soils.

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## CONCLUSION

We conclude that the County has responded to the noncompliance found in our remand. The ordinance explains the designation rationale and satisfies the requirement that qualified lands not in current use be included in the designation of additional ARLs.

**ORDER**

We find Ordinance #52-00, amendment to ARL provisions, to be in compliance with the Growth Management Act.

So ORDERED this 4<sup>th</sup> day of December, 2000.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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Les Eldridge  
Board Member

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Nan A. Henriksen  
Board Member

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William H. Nielsen  
Board Member