

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

WARREN DAWES, JOHN E. DIEHL, GORDON )  
JACOBSON, JUTTA RIEDIGER, VERN RUTTER, and ) No. 96-2-0023  
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 January 25, 1999, we received a motion for reconsideration from Mason County. The County asserted that we had erred in procedure or had misinterpreted fact or law in our compliance order (CO) of January 14, 1999. We required that responses to the motion be received by February 8, 1999. We received a response from Petitioners MCCDC, Dawes, Jacobson, Riediger, Rutter, and Holm.

The County misinterpreted our CO when it assumed that we had ruled that rural uses are limited to resource-based uses. In our CO, we quoted the County as asserting it “constrained or otherwise controlled rural development by limiting it to resource-based uses” (County response

brief at page 16). We said that the matrix of permitted uses failed to meet the Growth Management Act requirement that rural areas of more intensive development be subject to minimization and containment. We said the matrix also failed to meet the limitation on activities in rural areas called for in our 1996 final decision and order (FDO). It was for those reasons we declared that “the County is not in compliance regarding allowed uses outside urban growth areas” (FDO at 18). We did not rule that rural uses are limited to resource-based uses.

The County asserted that we had declared “that the law prevents undeveloped lands to be included in rural areas.” It maintained that the law specifically provides for undeveloped lands to be included if properly limited under measures outlined in Section .070(5)(d)(iv). We did not rule that undeveloped land cannot be included in rural centers. We said that the boundaries of rural centers must be constrained to preclude allowing a new pattern of low-density sprawl (CO at 21). We also stated in the CO that “logical outer boundaries as delineated by the built environment can be only so large as to accommodate the population properly allocated to it in the 20-year plan by the County.” Rural centers may include undeveloped land, but the boundaries must be delineated by the built environment and the areas of the centers must be limited in size based on a location - specific needs analysis.

The County claimed that we found that there were “no limits on rural development to preclude future need for urban services.” We did not so find. Instead we determined that the “range and number of uses allowed in RACs and rural areas do not limit, in size and density, development to preclude future need for future services (CO at 18). RU-532, unlike RU-530 and 531, did not limit development to that not requiring urban services, nor did its development regulations.

The motion for reconsideration is based on a misreading of our CO. The motion is denied.

So ORDERED this 19<sup>th</sup> day of February, 1999.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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Les Eldridge

Board Member

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William H. Nielsen

Board Member