

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

WARREN DAWES, JOHN E. DIEHL, GORDON JACOBSON,	)	
JUTTA RIEDIGER, VERN RUTTER, and KERRY HOLM,	)	No. 96-2-0023c
individually and as members of the MASON COUNTY	)	
COMMUNITY DEVELOPMENT COUNCIL (MCCDC), a non-	)	COMPLIANCE ORDER RE:
profit association,	)	PREVIOUS FINDINGS OF
	)	NONCOMPLIANCE
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.	)	
	)	

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**SYNOPSIS OF THE ORDER**

**Previously:**

In our January 1999 order in this case we found the Growth Management Act (GMA, Act) required the County to adopt Belfair urban growth area (UGA) implementing development regulations (DRs). Questions concerning the capital facilities plan, low urban densities, and the inclusion of the Union River Valley within the UGA had to be answered.

We held that the GMA required that a range of alternatives for the final supplemental environmental impact statement (FSEIS) be prepared based on current population projection for the FSEIS.

We also stated that we would review the map which was provided to us after the compliance hearing for open space and recreation areas.

We determined that the GMA directed that a rural maximum residential density in the rural activity centers (RACs) and the rural areas be delineated. The Act required that RAC population allocation more closely match capacity and that RAC logical boundaries be set as delineated by the built environment. Rural areas clustering needed to be capped to preclude creating demand for urban services.

We determined that the range and types of permitted uses in the rural areas and the RACs were invalid. We congratulated Mason County for progress being made regarding revised population projections; the Shelton UGA; improvements of performance standards; reduction of market factor; and abandonment of working rural area and resource conservation master plan concepts.

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**Subsequently:**

In this order, we find that urban density has been increased in the Belfair UGA, the Union River Valley area has been removed from the UGA and DRs have been adopted which regulate density and build out and its effect on demand for capital services. In addition, the Capital Facilities Plan has outlined some sources of funding for eventual urban services. Some delineation of open space and recreation areas is provided by the open space map.

The FSEIS has provided sufficient alternatives, but the addendum needs to address heretofore undesignated hamlets and isolated commercial industrial areas (ICIAs).

The matrix of permitted uses in the rural area still fails to comply with the Act.

Logical outer boundaries are now delineated by the built environment for RACs. Questions of maximum density and population allocation have been answered. Clustering options have been removed for the 1-du to 5-acre zone and rural densities have been established, including 42% at a density of 1 unit per 20 acres. Comprehensive Plan (CP) maps need to formally delineate those densities.

Sequencing has been addressed with regard to agriculture, critical aquifer recharge areas (CARAs), frequently flooded areas (FFAs) and aquatic management. The agricultural lands element is now compliant, as is the CARA element. Improvement has been made in FFAs and habitat conservation areas (HCAs).

The only invalidity remaining in this case regards the matrix of permitted uses in rural areas. Mason County is much closer to compliance, and only a few areas of concern remain.

## **INTRODUCTION**

Notwithstanding the fact that the compliance hearing for the CP was set by our order rather than through a request for rescission of invalidity by the County, we choose to impose the timeline of 30 days from the date of the compliance hearing for the entry of an order in this case on invalid issues (December 15, 2000) pursuant to the legislative intent expressed in RCW 36.70A.302(6). We also recognized the effect of the 30-day time constraint on our ability to review thoroughly questions of both invalidity and noncompliance. Accordingly, we bifurcated the CP compliance order into this order regarding issues previously found noncompliant but not invalid and the December 2000 order on issues previously found invalid.

On November 15, 2000, the second compliance hearing in this case was held at the Tumwater Best Western Hotel, Tumwater, Washington. Present for the Board were Les Eldridge, William H. Nielsen, and Nan Henriksen. Petitioner John Diehl opted not to appear. Mr. Michael Gendler represented Petitioners MCCDC. The County was represented by consultants Mary Lynne Evans, Michael Davolio, and Michael McCormick, and by County Planner Bob Fink. Chief Deputy Prosecutor Michael Clift and Special Deputy Prosecutor Robert Sauerlender were also present for the County. John McCullough represented Intervenor Overton and Sarah Smyth McIntosh represented Intervenor South 101 Corridor Group. Because of scheduling problems, Nan Henriksen was unable to be involved in this order.

As we began our hearings in 1992 we anticipated that counties and cities would be represented by planning staff and planning consultants as jurisdictions defended themselves against issues raised in petitions for review (PFR). This did not prove to be the case. In the 346 cases which have come before this Board the jurisdictions have uniformly been represented by attorneys. We congratulate Mason County for its innovative return to our original expectations. We found the presentation of the

County’s representatives to be clear, informative, and responsive. No doubt they were buoyed by the realization that, if legal advice was required, the County Prosecutor’s staff was present, ready and able to provide it.

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**PRESUMPTION OF VALIDITY, BURDEN OF PROOF,  
AND STANDARD OR REVIEW**

Pursuant to RCW 36.70A.320(1), the CP and DR amendments are presumed valid upon adoption.

The burden is on Petitioners to demonstrate that the action taken by Mason County is not in compliance with the requirements of the GMA. RCW 36.70A.320(2).

Pursuant to RCW 36.70A.320(3), we “shall find compliance unless [we] determine that the action by [Mason County] is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of [the GMA].” In order to find the County’s action clearly erroneous, we must be “left with the firm and definite conviction that a mistake has been made.” *Department of Ecology v. PUD 1*, 121 Wn.2d 179, 201 (1993).

**SCOPE OF HEARING**

Intervenor Overton complained that some Petitioner issues, e.g., relating to commercial-industrial (C/I) development location in non-municipal UGAs, and the housing element of the CP, were beyond the scope of this compliance hearing.

Jurisdiction for a Growth Management Hearing Board (GMHB) is established by RCW 36.70A.280. Under (1)(a) a GMHB may only hear and decide issues relating to whether a state agency or GMA planning local government is in compliance:

“...[w]ith the requirements of this chapter [GMA], chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter

43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 98.58 RCW;...”

or whether the OFM population projection should be adjusted. If a GMHB finds noncompliance and remands the case under RCW 36.70A.300, jurisdiction is continued for those issues. Once the period for remand has expired a compliance hearing must be conducted pursuant to RCW 36.70A.330(2). Thereafter, a GMHB must “issue a finding of compliance or noncompliance with the requirements of ” the GMA.

The clear intent of this section of the GMA is that the compliance hearing finding must relate to, and is governed by, the original issues set forth in the PFR, as well as any new issues that arise resulting from actions taken by the local government during the remand period as a response to the initial finding of noncompliance. The 1997 amendments to ESB 6094, codified as .330(5), provide for continuing jurisdiction and further hearings until such time as compliance is found.

Many petitioners, in an abundance of caution, file a new PFR for any amendments adopted by the local government during the remand. Regardless of whether such action is required under the Act, it is clear that unless a local government makes a change, no jurisdiction attaches for previously unchallenged provisions of the CP and/or DRs.

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Petitioner Diehl asserted that the housing element continues to be out of compliance. The FDO referenced housing only in the context of urban clusters without caps and the then-much-more-permissive rural density provisions in the CP in 1996. The County has responded to both cluster caps and rural density.

Nothing in any previous PFR called into question C/I locations within non-municipal urban growth areas (NMUGAs).

We conclude that the issues of C/I location in NMUGAs, accessory housing, transportation levels of service and in-holding lands were not raised by any PFR in these cases. Therefore, they are not issues properly before us.

## CONTENTIONS & CONCLUSIONS

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### Final Supplemental Environmental Impact Statement (FSEIS)

Petitioner MCCDC contended that the addendum to the FSEIS was inappropriate because the one additional CP alternative addressed by the addendum included two new categories of local areas of more intensive rural development (LAMIRDs), 11 new LAMIRDs not previously addressed, and a NMUGAs at Allyn. Under the State Environmental Policy Act (SEPA), claimed MCCDC, an addendum may be issued only when it does not substantially change the alternatives from those presented in the existing environmental documents. MCCDC claimed that the new alternative had features not considered in any previous SEPA analysis and had both new and greater impacts than were considered previously. Petitioners contended that these procedures require a draft and FSEIS with an opportunity for public review and comment not afforded by the addendum issued two days before adoption.

The County claimed that the addendum was used to provide additional information which did not substantially change the impacts and alternatives in the existing environmental documents and was therefore appropriate under SEPA. As an example, it cited a rural density decrease from solely one to five acres to a set of multiple densities: 1 to 5, 1 to 10 and 1 to 20 acres. It claimed that “the environmental impacts from lowering the densities in rural areas is (sic) positive rather than adverse.” Similarly, it claimed, “the same is true for population allocated to urban areas where the urban area allocation falls between the low and high populations in alternatives analyzed in prior SEPA documents.” The County further maintained that two new categories of LAMIRDs, ICIA, and isolated recreational tourism areas (IRTA), were nothing more than the identification of existing grandfathered uses, and therefore had been previously addressed in prior SEPA documents. The County did not address the question of newly-designated hamlets.

### Conclusion - FSEIS

The County may well be correct when it states that environmental impacts in lowering densities in rural areas are positive rather than adverse. Its failure to address the point raised by petitioners regarding 13 (not 11) new LAMIRDs previously not designated makes it impossible for us to conclude that the use of the addendum was compliant with SEPA and the requirements of GMA.

The ICIAAs in the list of new LAMIRDs include Deer Creek, Eldon, Happy Hollow, Lake Limerick, Lake Nahwatzel, Park Place, and Sunset Beach. None are delineated in the CP’s future land use map

(Ex. 1313). Nor are any delineated as ICIA's on the Mason County rural density draft map (Ex. 2369). Nahwatzel Lake on that map appears only as a 1:5 acre density. Craig Road is delineated on neither map. Lake Limerick shows only as a rural area in Ex. 1313 and as a 1:5 acre rural density in Ex. 2369. Deer Creek is actually listed as a hamlet on Ex. 1313 as is Spencer Lake. A review of these exhibits did not disclose the location or delineation of Craig Road or Dalby. Ex. 2369 and 2374 are labeled as drafts and are colored in crayon. If Lake Cushman, Purdy Canyon, Stretch Island Fruit, Bucks Prairie, Benson\Woodland Market, and Agate are identified as ICIA's they must appear on the future land use map. On p. VI-1.2, p. 80 of 122 in Ex. 2200, the RACs and the hamlets are delineated but the rural tourist and recreational areas and the ICIA's are not named. This record does not clearly delineate newly-designated IRTAs. It is impossible to tell from the County's maps as provided whether the FSEIS considered the cumulative effects of LAMIRDs, either new or undelineated, as it assessed whether an addendum was appropriate.

We find the County in continued noncompliance regarding the FSEIS and require it to address the effect of the new designations of Bear Creek, Craig Road, Dalby, Deer Creek, Eldon, Happy Hollow, Limerick, Nahwatzel, Park Place, Spencer Lake, Sunset Beach, Strech Island Fruit, and Bayshore. Ex. 2383 p. 11/103.

The careful delineation of the various types of LAMIRDs on a permanent map and their location and extent must be accomplished before we can find compliance in this case.

## UGAs

MCCDC contended that we should find continued noncompliance for all UGAs until development regulations are adopted. They maintained that a phasing plan for urban services must be developed to direct urban development to locations "where adequate public facilities and services exist or can be provided in an efficient manner." RCW 36.70A.020(1). MCCDC declared that the County will remain out of compliance when urban development is allowed in NMUGAs without urban services "available at the time of occupancy." They called for compliance with Section .020(12). MCCDC claimed that exhibit 2200 at 46 demonstrated that the County did not intend to have urban services in either area at any time. Rather, petitioners claimed, mixed use urban development would be allowed anywhere in the UGA without urban services if the developer submitted a plan showing development would "not preclude future urban services and density." There are, MCCDC noted, no criteria for the County Administrator to evaluate whether or not the development will meet that requirement.

The County responded that the DRs are compliant as shown in exhibit 2200, pages 100 to 113B, that sewers are called for within a six year plan, that zoning DRs will be adopted soon, and that the County needed a “reasonable” time in which to develop and adopt these DRs. The County contended that there was no requirement for urban service at the time of occupancy and that no immediate service was required under section .020(12). The County noted its transportation level of service (LOS) was demonstrated in exhibit 1309 VIII-2.4 in the 1998 CP.

Intervenor Overton pointed out that the County had responded to the January 14, 1999, compliance order by adopting a uniform household size reducing the population forecast, increasing the target urban population from 55% of County population to 61%, reducing Belfair UGA by 1,050 acres and the overall urban area of the County by 2,154 acres. Intervenor Overton contended that the capital facilities element of the revised CP calls for a design phase of Belfair, beginning in 2003, and the implementation of phase I sewer in 2006. Therefore, Overton contended, the County laid out an appropriate phasing plan for bringing municipal sewers to the Belfair UGA.

Overton further claimed that MCCDC’s argument regarding full urban services available at time of occupancy misses the point of the unique challenges of unincorporated UGAs in a predominately rural County. It is not possible, Overton declared, to prohibit urban development within such a UGA until all capital facilities are in place if we expect capital facilities to ever develop. Overton maintained that the revised plan allows for appropriate interim development which will form the financing base for longer term sewer implementation in the UGA.

Overton also cited Ordinance #82-96 as amended to demonstrate his contention that DRs applying to Belfair UGA have been adopted. (One might surmise that they also apply to the Allyn UGA if Overton’s contention was correct.) Overton cited Figure 1.03.032, Development Densities, which show four dwelling units (dus) per acre as a standard residential density in all three UGAs and maximum residential densities of six to the acre for Belfair and Allyn. Overton then cited 1.03.031, a section entitled “Binding Site Plan Required in the Belfair Urban Growth Area.” This section requires that a site plan “provide for septic in the current proposal and show how the remainder of the site will accommodate and not preclude urban services and densities and provides for future sewer pipe lines.” Overton cited Section 1.03.030, which requires decommissioning of a septic system in connection to a sewer system within one year of sewer extension in an area identified for sewer line extension. Overton’s contention was that the UGA plan would ensure growth was allowed to occur at a rate which provides a long-term funding base for ultimate sewer service. The DRs also do not

preclude longer-term densification to urban patterns when sewer arrives. Overton noted that the County plan also requires new development in the Belfair UGA to agree in advance to financially support the capital costs of sewer service through the imposition of utility local improvement district waivers of protest in the UGA.

### **Conclusion – Belfair UGA**

Goal 12 of the Act requires counties to ensure that public facilities and services be adequate to serve the development at the time the development is available for occupancy. It does not require adequacy for densities beyond those at the time of availability, so long as planning has been carried out that will ensure adequate public facilities for future denser occupancy. In *Achen v. Clark County*, 95-2-0067c we said that one purpose of the capital facilities element is to show what is going to be needed and what is currently available.

In our January 14, 1999, compliance order we said the following had to be answered:

1. How shall a reasonable and realistic person-per-dwelling unit figure increase as capacity for public sewer systems and other public services evolves?
2. What is the timetable for accomplishing the evolution of private septic systems into the public facility and service capacity as required for UGAs in RCW 36.70A?
3. Where is a clear delineation in the capital facilities plan of the (Belfair) UGA's unique problems and solutions?

The County did not respond directly to these questions. Instead the County referenced Ex. 2383 (the FSEIS) at pgs. 62-64 as answers to the question of a clear plan to finance sewer needs and the timetable. The County referred to a study by Gray and Osborn and the Belfair Hood Canal Sewer Facilities Advisory Committee Report dated June 1999. These assess the need for and the cost for a community-based wastewater system and contain an estimate of the costs. They are apparently intended to serve as an addendum to the CFP section of the CP. The FSEIS states that "the project is expected to enter into the design phase in 2003, with project completion within two years of the start date." The exhibit does not identify the start date or the end of the design phase. Unspecific in regard to timetable, it tangentially addresses increase in capacity and delineation of the UGAs' unique problems and solutions. The exhibit estimates sewer completion by 2014. The first phase is estimated at 467 residential units or 1,168 people. It does not note when the first phase will be complete. We conclude that the County is planning for increased density leading to sewer provision

in a way that present build-out will accommodate future need for actual urban densities. The CFP, though less specific than we might desire, does not rise to the level of clear error on the part of the County.

### **Conclusion – Allyn UGA**

The record does not show a section comparable to 1.03.031 (Belfair UGA) for the Allyn UGA. The Belfair section ensures that urban services and densities are not precluded, and provides for future sewer pipe lines. We infer that the omission of such a section for Allyn is simply an oversight. Until it is corrected, the DRs for the Allyn UGA remain noncompliant.

### **Rural Areas and RACs– Elements Previously Found Invalid as well as Noncompliant**

The County emphasized that it had downsized the RACs, had revised its population allocations, and had changed the status of the Allyn RAC to a NMUGA. Further, the County pointed to its establishment of a variety of rural densities, (1 unit per 5, per 10, and per 20 acres) and its establishment of a variety of a rural maximum residential density for both RACs and rural areas. The County maintained that it has capped clustering in the rural areas so as to preclude demand for urban services and had set the logical boundaries of the RACs as delineated by the built environment existing on July 1, 1991. The County pointed out that it had reduced the requirement for maximum number of employees in small businesses from 50 to 20.

The County outlined its elimination of cluster bonuses in densities of 1 unit per 5 acres. It noted that it had increased buffers and established a minimum 20,000 square foot lot size, up from the previous 12,500 square feet figure.

South 101 Corridor Group claimed that Taylor Towne RACs I and II had been reduced in area by 50%. The Group noted the division of the old Taylor Towne RAC into these two separate RACs dedicated to commercial purposes.

Petitioner Diehl's brief maintained that the County's actions still allowed low-density sprawl and intense commercial development outside the logical outer boundaries of RACs. He lamented the absence of any incentives for urban growth and also claimed that forest land conversions could preclude the urban development and infill called for in the Act. He maintained that the DRs allowed urban development within UGAs but do not encourage the same.

MCCDC claimed that the accessory building provisions could double density in the rural areas and that the RACs were still too broadly drawn, including too much undeveloped land. They maintained that the RAC logical outer boundaries were not delineated by the built environment as of July 1, 1990.

### **Conclusion – RACs and Rural Areas**

We reiterate our findings in our December 2000 order regarding invalidity, that the County has downsized its RACs, established a maximum rural density in the RACs and rural areas, and matched capacity with RAC population allocation. Further, it has set the logical outer boundaries of RACs and capped clustering. We remove our previous findings of noncompliance regarding CP Section III-3 Rural Lands and Ordinance #82-96, except for the requirement that a permanent map clearly delineating the LAMIRDs and rural area densities be published.

Petitioner MCCDC's contention that it was erroneous to include the west side of the Taylor Towne II RAC ignored the point that the west side of the RAC, although not built out, is comprised of the west end of lots built-out in their east ends. Therefore, if excluded from the RAC, the result would be to have one end of each lot in the RAC and the other end in the rural residential zone. The County properly exercised its discretion in establishing the logical outer boundary.

**Our finding of compliance of rural area density regulations does not extend to areas in FFAs and HCAs previously found invalid (Case #95-2-0073, Compliance Orders, 7-24-00 and 3-22-00) until the specific substantial interference with the goals of the Act in these orders has been removed.**

### **Conclusion – Matrix of Uses In the Rural Area & Incentives for Future Growth Locating in Urban Areas**

In our order of December 2000, we found continued invalidity for the matrix of uses in rural areas. In part we based this substantial interference with the goals of the Act on the negative affect which overpermissive and unrestricted uses in the rural area have on the GMA goal of encouraging and providing for growth in the UGAs. This invalid and noncompliant aspect of the CP and DRs is exacerbated by a lack of strong incentives for urban growth in the DRs for the Belfair NMUGA and inadequate DRs for the Allyn NMUGA.

Goal .020(1) calls for counties and cities to “encourage development in the urban areas where adequate public facilities and services exist or can be provided in an efficient manner.” Goal (2)

requires that counties “reduce the inappropriate conversion of undeveloped land into sprawling low-density development.” Definition .030(19) defines urban services as public services and facilities at an intensity historically and typically provided in cities where as Definition .030(16) defines rural services as services and facilities historically and typically delivered at an intensity usually found in rural areas. Taken together these goals and definitions make it clear that development is to be encouraged within UGAs, and low-density sprawl discouraged in rural areas. There is no goal among the 13 listed in Section .020 that encourages rural growth or rural development. The entire rural element (Section .070) is directed toward maintaining rural character and toward limiting and constraining any existing non-rural growth. This non-rural growth is characterized as LAMIRDs. The legislative intent is to preclude expansion of development already more intensive than is appropriate in rural areas. Conversely, Goal (1) allows and encourages that expansion to take place in urban areas where public facilities can accommodate it at a lower cost and less burden to the taxpayers and to the natural environment.

In our analysis of RCW 36.70A.070(5) in *Evergreen Islands, et al., v. Skagit County* 00-2-0046c (FDO 2-6-01), we noted that in (d)(i), LAMIRDs consist of certain “existing areas” defined in (d)(v). The allowed uses and areas include commercial, industrial, residential or mixed-use areas “whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.” An “industrial area” is not required to be principally designed to serve the “existing and projected rural population.” Thus, all other (d)(i) LAMIRDs (commercial, residential, or mixed-use) must be principally designed to serve the “existing and projected rural population.” In designating and establishing LAMIRDs under (d)(i) a county must “minimize and contain” ((d)(iv)) the existing area or existing use. Prohibitions against including lands within the logical outer boundary that allow a “new pattern of low-density sprawl” for the existing area or existing use must be adopted ((d)(iv)).

The key phrase here is allowed uses principally designed to serve the existing and projected rural population. This section calls for all LAMIRDs, except industrial LAMIRDs, to be designed principally to serve the existing and projected rural population. Light industry, small engine repair, furniture repair, and plumbing shops are uses obviously principally designed to serve more than just the rural population. These are clearly not uses that are appropriate to rural areas, rural densities, and are not consistent with maintaining rural character.

We conclude that once stronger DRs are in place for the UGAs, and once permitted uses in the rural areas detrimental to urban population encouragement are eliminated, the UGAs will be better able to attract the 61% of the population set forth as a goal by the CP for UGAs.

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### **Sequencing**

Petitioners contended that our previous admonition to the County regarding completion of a compliant critical areas ordinance (CAO) prior to the CP had not been responded to. The County acknowledged that CP development should be done sequentially, but noted that sequencing specifics may vary from county to county.

### **Conclusion – Sequencing**

It has been two years since we declared that the County was noncompliant because of its failure to provide meaningful compliance in the many segments of its critical areas ordinance initially adopted in 1995. We also noted that four years without meaningful compliance constituted improper sequencing regarding the CP. Since that time, the County has achieved significant partial compliance regarding wetlands, critical aquifer recharge areas, habitat conservation areas, forest resource lands, agricultural resource lands, and geologically hazardous areas. The substantial progress of the County toward compliance in resource lands and critical areas has removed our concerns regarding sequencing. The County's efforts toward proper sequencing are in compliance and will remain so if progress toward ultimate compliance continues.

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### **Open Space**

We stated that we would review the open space and recreation map which was not submitted to us until one month after our 1999 compliance order was entered. The map entitled "Future Land Use, Open Space" shows open space within UGAs and in the remainder of the County. As MCCDC pointed out, it is at a scale that does not allow features to be accurately located. We find that the map does need to delineate trails and parks to be developed, and does not meet the CP requirement that it include lands that can provide multiple use open space and act as separators between incompatible land uses. We find the County in continued noncompliance regarding its open space and recreation delineation.

## **ORDER**

Within 180 days the County must:

1. Bring its matrix of permitted uses in the rural areas into compliance.
2. Assess the effects of the 13 previously-undesignated LAMIRDs.
3. Bring its open space and recreation area map into compliance.
4. Bring the DRs for the Allyn UGA into compliance.
5. Delineate LAMIRDs and rural areas densities on a final map.

Petitioners have failed to meet their burden of showing clear error on the part of the County regarding all other issues properly before us.

This is a Final Order under RCW 36.70A.300(5) for purposes of appeal.

Pursuant to WAC 242-02-832(1), a motion for reconsideration may be filed within ten days of issuance of this final decision.

So ORDERED this 1<sup>st</sup> day of March, 2001.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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Les Eldridge  
Board Member

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William H. Nielsen  
Board Member