

**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 MOTION
COUNCIL (MCCDC), a non-profit association,)	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 March 12, 2001, we received a motion for reconsideration from South 101 Corridor Group, Incorporated. The motion asked us to reconsider our March 1, 2001, finding of noncompliance for the matrix of permitted uses “allowed in the RACs (Rural Activity Centers).” In that March 1, 2000 order, we found continued noncompliance regarding overpermissive and unrestricted uses in the rural area, including the RACs. We had previously identified examples of such uses. See *Order RE: Previous Findings of Invalidity*, December 15, 2000, at 6. We previously had stated that these uses may continue in the Taylor Towne RAC (and others) but ought not to be permitted uses in all RACs. We found that the rural population service exemption in RCW 36.70A.070(5)(d)(i) applies only to industrial areas and not to industrial uses when in a mixed-use area. Intervenor South 101 Corridor Group stated in its motion that “the Board appears to be...inventing a new category of LAMIRDs that the Board calls ‘mixed-use LAMIRDs’ ”. We note that the term “mixed-use area” appears in the

LAMIRD section, RCW 36.70A.070 (5)(d)(i), and is the “invention” of the Legislature, not of this Board.

Nothing in the motion for reconsideration convinces us that we erred in characterizing the previously named uses as “not principally designed to serve existing and projected rural population”, and therefore inappropriate under the Growth Management Act for permitted uses in LAMIRDs. The motion for reconsideration is denied.

SO ORDERED this 2nd day of April, 2001.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Les Eldridge
Board Member

William H. Nielsen
Board Member