BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

WARREN DAWES, JOHN E. DIEHL, GORDON JACOBSON, JUTTA RIEDIGER, VERN RUTTER, and KERRY HOLM, individually and as members of the MASON COUNTY COMMUNTIY DEVELOPMENT COUNCIL (MCCDC), a non-profit association, 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.	No. 96-2-0023c ORDER DENYING MOTION FOR RECONSIDERATION

Intervenor South 101 Corridor Group, Inc. moved for reconsideration of our compliance order regarding previous findings of invalidity dated December 15, 2000. On January 8, 2001, Petitioner John Diehl responded to the motion. Intervenor based its motion on its contention that we created a new standard not present in the law requiring uses in the rural activity centers (RAC) to be principally designed to serve the rural population. Further, Intervenor claimed that our allusion to a requirement for residential growth to be directed into the urban growth areas (UGAs) was a new requirement.

Intervenor assumed that the exemption to which we referred in Section .070(5)(d)(i) was the exemption from the requirements of (c)(ii)(iii). Petitioner Diehl countered that the exemption we referred to in .070(5)(d)(i) was that of an industrial area not being required to be principally designed to serve the existing and projected rural population.

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Petitioner Diehl is correct. Intervenor misapprehended our reference. Taylor Towne RAC is clearly a local area of more intense rural development (LAMIRD). As it combines commercial and industrial uses, it is clearly a mixed-use area. Section .070(5)(d)(i) exempts only industrial areas from the requirement of being principally designed to serve the existing and projected rural population. That section also calls for the County to adopt measures to minimize and contain existing uses of more intensive rural development. This includes minimization and containment of industrial uses which do not serve the existing and projected rural population. Such industrial uses include light industry, small engine repair, furniture repair and plumbing shops, all listed in our December 15, 2000, order. While these uses may continue in the Taylor Towne RAC as existing, they ought not to be permitted uses in all RACs. They should instead be nonconforming uses. The rural population service exemption in (i) for industrial areas does not apply to industrial uses within a mixed-use area. (emphasis supplied).

Petitioner Diehl noted that an overpermissive rural matrix of uses serves as a magnet for rural residential growth in the absence of effective mechanisms to channel growth to UGAs. This interferes with Growth Management Act goals to encourage growth in urban areas and to reduce the inappropriate conversion of undeveloped land into low-density sprawl. RCW 36.70A.020(1) and (2).

Petitioner Diehl is correct. This is not a new standard directing growth into the UGAs. It is a recognition that an overpermissive matrix of permitted uses in the rural area interferes with Section .020(1) and (2), absent strongly-defined mechanisms for encouraging development in urban areas and for reducing inappropriate conversion of undeveloped land.

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The motion for reconsideration is denied.

So ORDERED this 17th day of January, 2001.

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Les Eldridge
Board Member

Nan A. Henriksen
Board Member

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