

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 25th day of August 2003.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Holly Gadbow, Board Member

Nan Henriksen, Board Member

Margery Hite, Board Member

Gadbow, Concurring:

I concur in all aspects of the majority opinion. I am writing separately to address a set of concerns voiced by the County and the Intervenor that are not strictly stated in the issue statements. Both the County and SPU have shied away from the use of the Master Planned Resort (MPR) concept because of the fear that this would open the door to the kind of “resorts” on Whidbey Island that are inconsistent with the mission of SPU and contrary to the vision of the County. In answer to their implied question “Can a master planned resort under RCW 36.70A.360 or RCW 36.70A.362 be limited as the Special Review District is limited under the Island County Code?” I would answer, “Yes,” for the following reasons:

In our discussion of Issue 2, we found that, because of the scale and intensity of the new buildings and the need for an urban service, sewer, to serve the new development,

these new structures constitute urban growth in a rural area. Urban growth is not permissible in a rural area under the GMA, with very limited exceptions. One of these exceptions appears in the provisions regarding master planned resorts. RCW 36.70A.360; RCW 36.70A.362. In 1998, the GMA was amended to include RCW 36.70A.360 and RCW 36.70A.362 to allow for the kind of uses that exist and are planned at Camp Casey. If a county chooses to adopt an MPR designation, these provisions require it to include policies guiding the development of uses, together with plans for capital facilities, utilities, and services can only be sized to meet the needs of the MPR. Agreements can be made with cities or other utility providers if they services that they receive are assumed by the MPR. The county must also ensure that the resort plans are consistent with the county's critical areas ordinances, and that they fully consider and mitigate on-site and off-site impacts. Further, the County must make findings as part of the approval process that the land is better suited, and has more long-term importance, as an MPR, than for commercial timber harvesting or agricultural production, if located on agricultural or forest resource land of long-term commercial significance (this is not the case for Camp Casey, whose expansion is planned for a critical area). Also, the county must preclude urban or suburban development in the vicinity of the MPR, unless it is in a designated UGA.

Urban growth is not permissible in a rural area under the GMA, with very limited exceptions. One of these exceptions appears in the provisions regarding master planned resorts. RCW 36.70A.360; RCW 36.70A.362. In 1998, the GMA was amended to include RCW 36.70A.360 and RCW 36.70A.362 to allow for the kind of uses that exist and are planned at Camp Casey. In response to our questions at the Hearing on the Merits, SPU made it clear that the university had concerns what the designation of their property under RCW 36.70A.360 or .362 would mean. In response to the concept of an MPR, SPU has voiced its concerns that it not be forced to change the nature of Camp Casey, by allowing resort activities and unrestricted

public access. However, if SPU examines the definition provided of Existing Master Planned Resort, some of their concerns might be alleviated. According to RCW 36.70A.062 the definition is:

... an existing master planned resort means a resort in existence on July 1, 1990, and developed, in whole or in part, as a significantly self-contained and integrated development that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries in a setting of significant natural amenities. An existing resort may include other permanent residential uses, conference facilities, and commercial activities supporting the resort, but only if these other uses are integrated into and consistent with the on-site recreational nature of the resort.

RCW 36.70A.062

We raise this possibility because it is clear that both the County and SPU are committed to responsible planning and wish to accomplish expansion of Camp Casey in a lawful and thoughtful manner. In response to the concept of an MPR, SPU has voiced its concerns that it not be forced to change the nature of Camp Casey, by allowing resort activities and unrestricted public access. However, "Master Planned Resort" and "Existing Master Planned Resort" are land use constructs within which the County may impose its own restrictions, such as are now found in the Special Review District (SD) designation. The provisions for MPRs were established to allow for the planning of recreational uses in Rural or Resource Areas at an urban intensity and scale provided planning is done for capital facilities, utilities and services, protection of critical areas, and on-site and off-site impacts are mitigated at the designation stage. These provisions were not created to force counties to accept luxury vacation spas or anything in the way of recreational centers. They are intended to provide flexibility to counties in allowing large-scale recreational uses that, with appropriate planning, would be appropriate in a rural area.

It would appear that the MPR designation for an existing Master Planned Resort, under County policies that reflect the County choices already set forth in the SD designation, might be an appropriate vehicle for SPU's proposal and at the same time address the concerns of Petitioner. (Many of the concerns that the Petitioner raises in regard to critical area protection, provision of water and sewer, and mitigation of on-and-off-site impacts might be able to be resolved through the planning requirements for an existing or new MPR.)

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I raise this possibility because it is clear that both the County and SPU are committed to responsible planning and wish to accomplish expansion of Camp Casey in a lawful and thoughtful manner. I believe that the GMA offers a mechanism for the County

and SPU to achieve their aims through either the master planned resort provisions of RCW 36.70A.360 or the existing Master Planned Resort provisions of RCW 36.70A.362.

Holly Gadbow, Board Member

