

STATE OF WASHINGTON  
EASTERN WASHINGTON  
GROWTH MANAGEMENT HEARINGS BOARD

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BASIN SOCIETY, et.al.,	)	
	)	CONSOLIDATED CASE
Petitioners	)	NO. 94-1-0015
	)	
vs.	)	STIPULATED ORDER OF
	)	COMPLIANCE RE INTERIM
CHELAN COUNTY,	)	CRITICAL AREAS REGULATIONS
	)	
Respondent.	)	
	)	
_____	)	

I. INTRODUCTION

THIS MATTER having come before the Eastern Washington Growth Management Hearings Board upon the motion of respondent Chelan County, by and through counsel Susan E. Hinkle, Deputy Prosecuting Attorney, and this matter having been stipulated by petitioners herein, State of Washington, by and through Fronda Woods, Assistant Attorney General for the Department of Fish and Wildlife, and Alan D. Copsey, Assistant Attorney General for the Department of Community Trade and Economic Development, and petitioner Yakima Indian Nation, by and through counsel Timothy R. Weaver, of Cockrill & Weaver, P.S., and the Board having reviewed the record herein, the briefs of petitioners and being otherwise duly advised in the premises, Now, Therefore, makes the following Findings:

II. FINDINGS

1. On April 8, 1999, this Board entered a Compliance Hearing Order regarding interim critical areas regulations.

2. That order concluded that Chelan County's critical areas ordinance were noncompliant with respect to Resolution 99-4, fish and wildlife habitat conservation areas; Resolution 99-5, wetlands regulations; Resolution 98-140, aquifer recharge areas regulations; and Resolution 98-139, frequently flooded areas regulations.
3. The Board ordered that Chelan County once again revise its interim critical areas regulations and do so within 120 days.
4. On July 6, 1999, Chelan County adopted Resolution 99-91, interim regulations for frequently flooded areas, Resolution 99-92, interim regulations for aquifer recharge areas, Resolution 99-93, interim regulations for fish and wildlife habitat conservation areas, and Resolution 99-94, interim regulations for wetland areas.
5. These enactments were in response to this Board's order of April 8, 1999.
6. This Board has reviewed the above-referenced resolutions adopted by Chelan County of July 6, 1999, and the record submitted therewith.
7. On August 13, 1999, the State filed a brief herein re Chelan County's July 6, 1999 interim critical areas regulations.
8. On August 19, 1999, the Yakama Indian Nation filed a brief re Chelan County's July 6, 1999 interim critical areas regulations.
9. Contained within the aforesated briefing by petitioners were requests that this Board enter an Order of Compliance with regard to Chelan County's interim critical areas regulations adopted on July 6, 1999.
10. Petitioners State of Washington and Yakama Indian Nation do not request any particular conditions for said compliance order.
11. Based on the foregoing findings, the following order is rendered:

### III. ORDER

Chelan County Resolution No. 99-91, interim regulations for frequently areas, Resolution 99-92, interim regulations for aquifer recharge areas; Resolution 99-93, interim regulations for fish and wildlife habitat conservation areas, and Resolution 99-94, interim regulations for wetland areas are determined to be in compliance with the requirements of the Growth Management Act and the terms and conditions of this Board's Compliance Hearing Order rendered April 8, 1999. This ruling concludes this case. The compliance set for September 15, 1999 is hereby stricken.

This is a final order for purposes of appeal.

Pursuant to WAC 242-02-832, a motion for reconsideration may be filed within ten (10) days of services of this final decision and order.

SO ORDERED this 13<sup>th</sup> day of September, 2000.

EASTERN WASHINGTON GROWTH  
MANAGEMENT HEARINGS BOARD

/s/ Dennis A. Dellwo, Presiding Officer  
/s/ Judy Wall, Board Member  
/s/ D. E. "Skip" Chilberg, Board Member

Presented by:

Susan E. Hinkle WSBA#18276  
Deputy Prosecuting Attorney  
Counsel for Respondent Chelan County

Approved as to form for entry and notice of presentation waived this 26<sup>th</sup> day of August, 1999.

/s/ Alan D. Copsy for  
Frona Woods WSBA#18728  
Assistant Attorney General

Counsel for Petitioner WDFD

Approved as to form for entry and notice of presentment waived this 26<sup>th</sup> day of August, 1999.

/s Alan D. Copsy WSBA#23305

Assistant Attorney General Counsel for Petitioner CTED

Approved as to form for entry and notice Of presentment waived this 30<sup>th</sup> day  
of August, 1999.

/s Timothy R. Weaver WSBA#3364

Attorney at Law, Cockrill & Weaver, P.S.

Counsel for Petitioner Yakama Indian Nation

Prepared on behalf of the Board by Susan E. Hinkle

Deputy Prosecuting Attorney

Counsel for Respondent Chelan County