

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

ISLAND COUNTY CITIZENS' GROWTH MANAGEMENT)	
COALITION, et al.,)	No. 98-2-0023c
)	
Petitioners,)	COMPLIANCE ORDER
)	
v.)	
)	
ISLAND COUNTY,)	
)	
Respondent,)	
)	
and)	
)	
RESOURCE GROUP, INC., et.al)	
)	
Intervenors)	
)	

On March 29, 2001, a compliance hearing was held at the Island County Courthouse complex. Steve Erickson represented Whidbey Environmental Action Network (WEAN). Keith Dearborn represented Island County. Les Eldridge and William Nielsen were present for the Board.

The parties agreed that substantial interference with the goals of the Growth Management Act regarding Type 5 stream buffers has been removed by the adoption of Interim Ordinance #C-21-01 on February 12, 2001. The parties agreed that invalidity should be automatically and immediately reinstated if the interim ordinance expires or lapses. The parties initially addressed the interim nature of the critical areas ordinance and our previous findings of noncompliance regarding interim critical areas ordinances. See *North Cascades v. Whatcom County*, #94-2-0001, *Achen v. Clark County*, #95-2-0067, *Diehl v. Mason County*, #95-2-0073, *CCNRC v. Clark County*, #96-2-0017. The parties agreed that the County continues to be noncompliant so long as the interim label of the ordinance remains in effect.

ORDER

Our previous findings of invalidity regarding Type 5 streams are rescinded. This recision is subject to immediate reinstatement should Ordinance #C-21-01 lapse or expire. The County remains in noncompliance regarding Type 5 stream buffers.

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 2nd day of April, 2001.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Les Eldridge
Board Member

William H. Nielsen
Board Member