

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

2
3 ISLAND COUNTY CITIZENS' GROWTH
4 MANAGEMENT COALITION, et al.,

5 Petitioner,

6 v.

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8 ISLAND COUNTY,

9 Respondent,

10 And

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12 RESOURCE GROUP, INC., et al.,

13
14 Intervenor.

CASE NO.
98-2-0023c

**ORDER FOR
COMPLIANCE
PROGRESS REPORT**

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17 THIS Matter comes before the Board upon the request of Petitioner Whidbey Environmental
18 Action Network that the Board promptly schedule a compliance hearing.

19 Memorandum from Steve Erickson to the Western Washington Growth Management
20 Hearings Board dated March 4, 2005. Petitioner asks for a compliance hearing to reinstate
21 invalidity of Island County's regulation establishing 25-foot stream buffers and to impose
22 invalidity on Island County's regulation exempting agriculture on lands not designated as
23 resource lands from its critical area regulations. *Ibid.*

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26 The Board's latest decision on these issues in this case was issued on April 2, 2001.
27 Compliance Order, April 2, 2001. Since that time, this case has been the subject of appeals
28 to first the superior court and then the court of appeals. The Court of Appeals, Division I,
29 affirmed the decision of the Board in *WEAN v. Island County*, 122 Wn. App. 156, 93 P.3d
30 885, 2004 Wash. App. LEXIS 1410 (2004), reconsideration denied 2004 Wash. App. LEXIS
31 1481 (June 7, 2004). According to Mr. Erickson, the County is seeking review of the
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1 decision of the Court of Appeals. Memorandum from Steve Erickson to the Western
2 Washington Growth Management Hearings Board dated March 4, 2005.

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4 In order to act upon Petitioner's request, the Board requires a progress report from the
5 County, indicating what steps the County has taken to comply with the Board's decisions in
6 this case. This report should include any legislative adoptions, pending proposals, and
7 other activities related to the County's compliance efforts in this case.
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10 **ORDER**

11 Therefore, pursuant to RCW 36.70A.300(3)(b), the Board hereby ORDERS that the County
12 provide a progress report to the Board on its efforts to achieve compliance on two issues:
13 (1) 25-foot stream buffers, and (2) the regulation exempting agriculture on lands not
14 designated as resource lands from its critical area regulations this case. This progress
15 report shall be due within thirty days of the date of this order. Upon receipt of the County's
16 progress report, the Board may schedule a compliance hearing.
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19 Entered this 16th day of March 2005.
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Holly Gadbaw, Board Member

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Margery Hite, Board Member
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