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4
5 ORDINANCE NO. 2007-34s2
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8 **An Ordinance of the Pierce County Council Adopting Amendments to Title**
9 **20 of the Pierce County Code, “Shoreline Management Use**
10 **Regulations”, Establishing Interim Regulatory Requirements**
11 **for Geoduck Aquacultural Operations and Other Aquaculture**
12 **Practices; Modifying Definitions and Permitted Uses; Setting**
13 **an Effective Date; Providing for the Sunset of the Interim**
14 **Requirements Upon the Implementation of the**
15 **Comprehensive Update to the Pierce County Shoreline**
16 **Master Program; and Adopting Findings of Fact.**
17

18 **Whereas**, Phase I of the Pierce County Shoreline Master Program was adopted
19 by the Board of Pierce County Commissioners on March 4, 1974, in compliance with the
20 Washington State Shoreline Management Act of 1971; and
21

22 **Whereas**, the Pierce County Shoreline Use Regulations, providing implementing
23 regulations for the goals and policies in Phase I of the Shoreline Master Program, were
24 adopted by the Board of Commissioners on April 4, 1975; and
25

26 **Whereas**, while several amendments to the Shoreline Use Regulations have
27 been adopted since its initial adoption in 1975, the County has never conducted a
28 comprehensive update to the Shoreline Master Program; and
29

30 **Whereas**, Pierce County has initiated a three-year process to complete a
31 comprehensive update to the Shoreline Master Program, with anticipated adoption by
32 the Pierce County Council in 2009, subject to subsequent review and approval by the
33 Washington State Department of Ecology; and
34



1 **Whereas**, Pierce County has become aware of developments and activities in
2 marine waters of the County relating to intertidal geoduck aquaculture; and piers, docks,
3 and related structures that are not adequately addressed in the Shoreline Use
4 Regulations; and

5
6 **Whereas**, in order to properly address emerging issues relating to aquaculture
7 and shoreline structures prior to completion of the comprehensive update to the
8 Shoreline Master Program, it is necessary to adopt interim regulations to provide for
9 consistent and predictable County review of these developments and activities; and

10
11 **Whereas**, on September 12, 2006, the Pierce County Council adopted
12 Resolution No. R2006-96, directing the Planning and Land Services Department to
13 develop recommendations regarding aquacultural practices in consultation with the
14 Washington State Department of Ecology and other appropriate agencies, and that
15 these recommendations should address the impact of aquacultural practices on water
16 quality, the nearshore environment, and general aesthetic quality of the shoreline; and

17
18 **Whereas**, also on September 12, 2006, the Pierce County Council adopted
19 Resolution No. R2006-97, directing the Planning and Land Services Department to
20 develop recommendations regarding the maximum length of saltwater docks and piers,
21 which included disincentives for single use structures and incentives for joint use
22 structures, and to evaluate and develop recommendations for floating boat lifts; and

23
24 **Whereas**, on November 8 and December 5, 2006, the Peninsula Advisory
25 Commission reviewed the proposed interim regulations for aquaculture and piers,
26 docks, and related structures, and made recommendations on December 5, 2006; and

27
28 **Whereas**, the Pierce County Planning Commission reviewed the proposed
29 interim regulations on December 12, 2006 and January 23, 2007, and made
30 recommendations on January 23, 2007; and

31
32 **Whereas**, the Responsible Official conducted an environmental review of the
33 proposed amendments to the Pierce County Development Regulations - Zoning, and
34 issued a Determination of Nonsignificance (DNS) to address amendments to the Pierce
35 County Shoreline Use Regulations Title 20, on March 8, 2007, to satisfy the
36 requirements of the State Environmental Policy Act (SEPA) ; and

37



1 **Whereas**, the comprehensive update to the Shoreline Master Program will be the
2 culmination of an intensive process that will include a multi-faceted public participation
3 process, detailed inventory and characterization of ecosystem-wide processes,
4 shoreline functions, opportunities for protection, restoration, public access, and
5 shoreline use, and development of shoreline environment designations, goals, policies,
6 regulations, restoration plan and implementation strategy; and
7

8 **Whereas**, due to the intensive review and analysis to which the comprehensive
9 update will be subject, it is appropriate that the interim regulations should sunset upon
10 the comprehensive update becoming effective; and
11

12 **Whereas**, it is the Pierce County Council's intent to have the appropriate interim
13 regulations for aquacultural practices adopted as soon as it is legally possible; and
14

15 **Whereas**, the Pierce County Council acknowledges the concerns raised by the
16 Peninsula Advisory Commission and others regarding the location and design of piers
17 and docks but believes additional evaluation is necessary prior to considering regulatory
18 changes. Accordingly, the Council desires to defer this issue to the ongoing
19 comprehensive update of the Shoreline Master Program; and
20

21 **Whereas**, the Pierce County Council finds that it is in the public interest to adopt
22 the amendments set forth; **Now Therefore**,

23
24 **BE IT ORDAINED by the Council of Pierce County:**
25

26 Section 1. The Pierce County Shoreline Use Regulations Title 20 are hereby
27 amended as set forth in Exhibit A, which is attached hereto and incorporated herein.
28

29 Section 2. Findings of Fact documenting the actions taken by the County
30 Council are hereby adopted as set forth in Exhibit B, attached hereto and incorporated
31 herein.
32

33 Section 3. If any provision of this Ordinance or the amendments to Title 20 or the
34 Zoning Atlas are found to be illegal, invalid, or unenforceable, the remaining provisions
35 of this Ordinance or the Shoreline Use Regulations shall remain in full force and effect.
36



1 Section 4. Pursuant to Washington Administrative Code (WAC) 173-26-120, this
2 Ordinance shall not become effective until approved by the Department of Ecology.
3 Upon receiving such approval, the effective date of the Ordinance shall be the date of
4 the Department of Ecology's letter to Pierce County approving the Shoreline
5 Management Use Regulation amendments set forth in Exhibit A.

6
7 Section 5. This Ordinance shall sunset upon the implementation of the
8 comprehensive update of Pierce County's Shoreline Master Program.

9
10 **PASSED this _____ day of _____, 2007.**

11
12 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

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16
17 _____
18 **Denise D. Johnson**
19 Clerk of the Council

Terry Lee
Council Chair

20
21
22 _____
23 **John W. Ladenburg**
24 Pierce County Executive
25 Approved _____ Vetoed _____, this
26 _____ day of _____,
27 2007.

28 Date of Publication of
29 Notice of Public Hearing: _____

30
31 Effective Date of Ordinance: _____

