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6 ORDINANCE NO. 2008-25
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9 **An Ordinance of the Pierce County Council Responding to the Department**
10 **of Ecology's Review of Ordinance No. 2007-34s2 Regarding**
11 **Amendments to Title 20 of the Pierce County Code,**
12 **“Shoreline Management Use Regulations”; Repealing Pierce**
13 **County Code Section 20.20.020, "Critical Areas," as Adopted**
14 **by Ordinance No. 2007-34s2; and Setting an Effective Date.**
15

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

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

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

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

33 **Whereas**, Pierce County has become aware of developments and activities in
34 marine waters of the County relating to intertidal geoduck aquaculture and other issues
35 that are not adequately addressed in the Shoreline Use Regulations; and
36



1 **Whereas**, in order to properly address these emerging issues prior to completion
2 of the comprehensive update to the Shoreline Master Program, Pierce County adopted
3 interim regulations through Ordinance No. 2007-34s2 on October 16, 2007; and
4

5 **Whereas**, in accordance with Washington Administrative Code (WAC) 173-26-
6 120, the shoreline amendments shall not become effective until approved by the
7 Department of Ecology; and
8

9 **Whereas**, the Department of Ecology has reviewed the interim regulations
10 contained within Ordinance No. 2007-34s2, and has indicated in a letter dated
11 December 13, 2007, that the Department was unable to accept the regulations as a
12 limited Shoreline Master Program (SMP) amendment due to the presence of certain
13 code provisions related to critical areas; and
14

15 **Whereas**, proposed amendment language to address the Department's review
16 comment was transmitted electronically via electronic mail to the Department of Ecology
17 for review on January 22, 2008; and
18

19 **Whereas**, the Department of Ecology responded electronically via electronic mail
20 to the submittal on January 28, 2008; and
21

22 **Whereas**, the Pierce County Council wishes to repeal the language noted by the
23 Department of Ecology and resubmit the interim regulations for consideration as a
24 limited SMP amendment; **Now Therefore**,

25
26 **BE IT ORDAINED by the Council of Pierce County:**
27

28 Section 1. Pierce County Code Section 20.20.020, "Critical Areas," as set forth
29 in Exhibit A to Ordinance No. 2007-34s2 is hereby repealed.
30



1 Section 2. Pursuant to WAC 173-26-120, this Ordinance shall not become
2 effective until approved by the Department of Ecology. Upon receiving such approval,
3 the effective date of the Ordinance shall be the date of the Department of Ecology's
4 letter to Pierce County approving the Shoreline Management Use Regulation
5 amendments set forth in Ordinance No. 2007-34s2, as amended.

6
7 **PASSED this _____ day of _____, 2008.**

8
9 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

10
11
12
13 _____
14 **Denise D. Johnson**
15 Clerk of the Council

Terry Lee
Council Chair

16
17
18 _____

John W. Ladenburg
Pierce County Executive
Approved _____ Vetoed _____, this
21 _____ day of _____,
22 _____
23 2008.

24
25 Date of Publication of
26 Notice of Public Hearing: _____

27
28 Effective Date of Ordinance: _____

