

1 Sponsored by: Councilmember Robyn Denson
2 Requested by: County Council
3
4
5
6
7

8 **ORDINANCE NO. 2023-75**

9
10
11
12
13 **An Ordinance of the Pierce County Council Relating to the Pierce County**
14 **Shoreline Master Program; Amending Exhibit A to Ordinance**
15 **No. 2022-37s as Required by the Washington State**
16 **Department of Ecology; Amending Title 18S of the Pierce**
17 **County Code, "Development Policies and Regulations –**
18 **Shorelines"; and Setting an Effective Date.**
19

20 **Whereas**, the Pierce County Council (Council) adopted Ordinance No.
21 2013-45s4 on March 10, 2015, establishing Title S of the Pierce County Code,
22 Development Policies and Regulations – Shorelines; and
23

24 **Whereas**, Revised Code of Washington (RCW) 90.58.090 requires the
25 Washington State Department of Ecology (DOE) to review and approve locally adopted
26 Shoreline Master Programs (SMP) before they can become effective; and
27

28 **Whereas**, on May 31, 2018, Pierce County received "conditional approval" of its
29 SMP update as adopted pursuant to Ordinance No. 2013-45s4; and
30

31 **Whereas**, on October 2, 2018, Pierce County adopted Ordinance No. 2018-57s
32 to make the necessary changes to its SMP to satisfy the requirements of DOE to
33 receive final SMP approval and complete the periodic review requirement of RCW
34 90.58.080(4); and
35

36 **Whereas**, following final approval from DOE on October 12, 2018, Pierce
37 County's Shoreline Master Program Comprehensive Update and Periodic Review
38 became effective on October 26, 2018; and
39

40 **Whereas**, Pierce County adopted Ordinance Nos. 2019-59 and 2020-49
41 amending Title 18E PCC and Title 18S PCC to resolve a SMP appeal and both
42 Ordinances were subsequently approved by DOE and the Growth Management
43 Hearings Board; and
44
45



1 **Whereas**, in June of 2019, through Ordinance No. 2019-32s2, Pierce County
2 appropriated funding to conduct the shoreline inventory, analysis, and characterization
3 work as necessary to support recommended amendments related to: (1) dredged
4 material disposal; (2) fencing within shoreline buffers; (3) prohibitions of piers and docks
5 in marine conservancy Shoreline Environment Designations (SED) or other locations
6 inappropriate due to shoreline geomorphology; and (4) aquaculture for purposes of
7 restoration; and

8
9 **Whereas**, the Council adopted Ordinance No. 2022-37s on December 13, 2022,
10 amending Title 18S PCC, Development Policies and Regulations – Shorelines, through
11 a Locally Initiated Amendment; and

12
13 **Whereas**, in accordance with RCW 90.58.090, the County is required to submit
14 the adopted locally initiated SMP amendments to DOE for review and formal action
15 before the amendments can become effective; and

16
17 **Whereas**, DOE provided Pierce County with Conditional Approval of its Locally
18 Initiated Amendment on October 24, 2023, and has identified several changes to the
19 Pierce County SMP, as adopted through Ordinance No. 2022-37s, that are necessary to
20 comply with current State laws and rules; and

21
22 **Whereas**, Pierce County intends to make the necessary changes to its SMP to
23 satisfy the requirements of DOE to receive final SMP approval pursuant to RCW
24 90.58.090; **Now Therefore**,

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

27
28 Section 1. Exhibit A to Ordinance No. 2022-37s, amending Title 18S of the
29 Pierce County Code, “Development Policies and Regulations – Shorelines,” is hereby
30 amended as shown in Exhibit A, which is attached hereto and incorporated herein by
31 reference.

32
33 Section 2. Findings of Fact documenting the actions taken by the Pierce County
34 Council are hereby adopted as described in the Recitals to this Ordinance.

35
36 Section 3. If any provisions of this Ordinance or the amendments to Title 18S of
37 the Pierce County Code are found to be illegal, invalid, or unenforceable, the remaining
38 provisions of this Ordinance shall remain in full force and effect.



1 Section 4. This Ordinance shall become effective 14 days following written
2 notice of final action by the Washington State Department of Ecology.

3
4
5 PASSED this 30th day of January, 2023.

6
7
8 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

9
10
11 Denise D. Johnson

12
13 **Denise D. Johnson**
14 Clerk to the Council

15
16
17 Ryan N. Mello

18
19 **Ryan N. Mello**
20 Council Chair

21
22 Bruce F. Dammeier

Pierce County Executive

23
24 Approved Vetoed _____, this
25 6th day of February,
26 2023.

27 Date of Publication of
28 Notice of Public Hearing: December 18, 2023

Effective Date of Ordinance: Section 4 above



NOTE: Only those portions of Title 18S that were adopted pursuant to Ordinance No. 2022-37s that are proposed to be amended are shown. The remainder of the text, maps, tables and/or figures adopted through Ordinance No. 2022-37s are unchanged.

Shoreline Master Program Locally Initiated Amendments:

- 1. On page 1 of Exhibit A, starting on line 21, remove all proposed amendments to PCC 18S.10.065 B. and amend as shown below in shading/strike-through format:

"B. Title 18E PCC, Development Regulations – Critical Areas. Critical area regulations adopted in compliance with the State Growth Management Act are contained in Title 18E PCC, ~~Ordinance Nos. 2004-56s, 2004-57s, 2004-58s, 2006-103s, 2013-45s4, 2016-52, amended by Ordinance 2017-12s, effective date April 15, 2017, and as amended by Ordinance No. 2021-90s, effective date December 31, 2021, for Chapters 18E.10, 18E.20, and 18E.120 PCC~~ as amended by Ordinance No. 2021-123s adopted on February 1, 2022, and incorporated by reference into the Shoreline Master Program (with the exception of Chapter 18E.70 PCC, Flood Hazard Areas). In the event that an incorporated ~~section~~ Section of Title 18E PCC is amended, the referenced edition will still apply in shoreline jurisdiction until revised through an approved Master Program amendment."

As amended, PCC 18S.10.065 B. will read as follows:

"B. Title 18E PCC, Development Regulations – Critical Areas. Critical area regulations adopted in compliance with the State Growth Management Act are contained in Title 18E PCC, as amended by Ordinance No. 2021-123s adopted on February 1, 2022, and incorporated by reference into the Shoreline Master Program (with the exception of Chapter 18E.70 PCC, Flood Hazard Areas). In the event that an incorporated Section of Title 18E PCC is amended, the referenced edition will still apply in shoreline jurisdiction until revised through an approved Master Program amendment."

- 2. On page 2 of Exhibit A, line 11, amend the proposed new PCC 18S.30.030.E.4.d. as shown below in shading/strike-through format:

"d. Fences four feet or less in height may be allowed in a ~~the standard~~ shoreline buffer or Lake Tapps setback if they."

As amended, PCC 18.30.030 E.4.d. would show as follows:

"d. Fences four feet or less in height may be allowed in the standard shoreline buffer or Lake Tapps setback if they:"



1 3. On page 2 of Exhibit A, starting on line 33, amend 18S.40.040 G.3. as shown
2 below in shading/strike-through format to retain the existing Code language:
3

4 "3. Finfish aquaculture involving net pens for anadromous species is prohibited in
5 all marine waters of Pierce County where there are aquatic reserve areas in
6 place ~~except as authorized in PCC 18S.40.040 C.16. for enhancement or~~
7 ~~recovery of native shellfish and aquatic plant species."~~
8

9 As amended, subsection 18S.40.040 G.3. will show as follows:
10

11 "3. Finfish aquaculture involving net pens for anadromous species is prohibited in
12 all marine waters of Pierce County where there are aquatic reserve areas in
13 place."
14

15 4. On page 3 of Exhibit A, starting on line 6, remove proposed new subsections
16 PCC 18S.40.140 D.2.d. and 18S.40.140 D.2.e. in their entirety and insert the
17 following new subsections 18S.40.140 D.2.d.(1) through (4) as follows:
18

19 ~~"d. Piers and docks shall be prohibited in the Aquatic Marine Shoreline~~
20 ~~Environment Designation at various shoreline locations identified as having~~
21 ~~highly intact ecological functions, relatively few overwater structures, and~~
22 ~~options for public access or recreation (and two out of three of the following~~
23 ~~attributes: unstable slopes, high nearshore tidal currents, wide tidal flats) and~~
24 ~~locations designated as "Marine Shoreline Critical Salmon Habitat" as shown~~
25 ~~in Appendix J.~~

26 ~~e. Piers and docks shall be prohibited in the Aquatic Marine Shoreline~~
27 ~~Environment Designation along the Browns Point and Dash Point shoreline~~
28 ~~starting at the Tacoma City limits near State Route 509 and continuing west~~
29 ~~and north to King County as shown in Appendix J.~~

30 d. Piers and docks shall be prohibited in the Aquatic Marine Shoreline
31 Environment Designation at various shoreline locations as mapped by the
32 County and included in this Master Program as Chapter 18S.70 PCC,
33 Appendix J – Water Access Facility Prohibition Map. These Shoreline
34 locations include the following:

35 (1) Shoreline locations identified as having highly intact ecological functions,
36 relatively few overwater structures, and options for public access or
37 recreation (and two out of three of the following attributes: unstable
38 slopes, high nearshore tidal currents, wide tidal flats), shown in Appendix
39 J as "ESA Proposed";

40 (2) Shoreline locations designated as "Marine Shoreline Critical Salmon
41 Habitat" shown on Appendix J as "Marine Shoreline Critical Salmon
42 Habitat";

43 (3) Shoreline areas that meet the criteria in both (1) and (2) above, shown in
44 Appendix J as "Both Criteria"; and
45



- 1 (4) Shoreline locations identified as having cultural or archaeological
2 resources incompatible with new residential piers and docks. These
3 areas are located along the Browns Point and Dash Point shoreline
4 starting at the Tacoma City limits near State Route 509 and continuing
5 west and north to King County and are shown in Appendix J as "Pierce
6 County Council Adopted".
7

8 As amended, the proposed new subsection 18S.40.140 D.2.d. will show as
9 follows:
10

11 "d. Piers and docks shall be prohibited in the Aquatic Marine Shoreline
12 Environment Designation at various shoreline locations as mapped by the
13 County and included in this Master Program as Chapter 18S.70 PCC,
14 Appendix J – Water Access Facility Prohibition Map. These Shoreline
15 locations include the following:

- 16 (1) Shoreline locations identified as having highly intact ecological functions,
17 relatively few overwater structures, and options for public access or
18 recreation (and two out of three of the following attributes: unstable
19 slopes, high nearshore tidal currents, wide tidal flats), shown in Appendix
20 J as "ESA Proposed";
21 (2) Shoreline locations designated as "Marine Shoreline Critical Salmon
22 Habitat" shown on Appendix J as "Marine Shoreline Critical Salmon
23 Habitat";
24 (3) Shoreline areas that meet the criteria in both (1) and (2) above, shown in
25 Appendix J as "Both Criteria"; and
26 (4) Shoreline locations identified as having cultural or archaeological
27 resources incompatible with new residential piers and docks. These
28 areas are located along the Browns Point and Dash Point shoreline
29 starting at the Tacoma City limits near State Route 509 and continuing
30 west and north to King County and are shown in Appendix J as "Pierce
31 County Council Adopted".
32

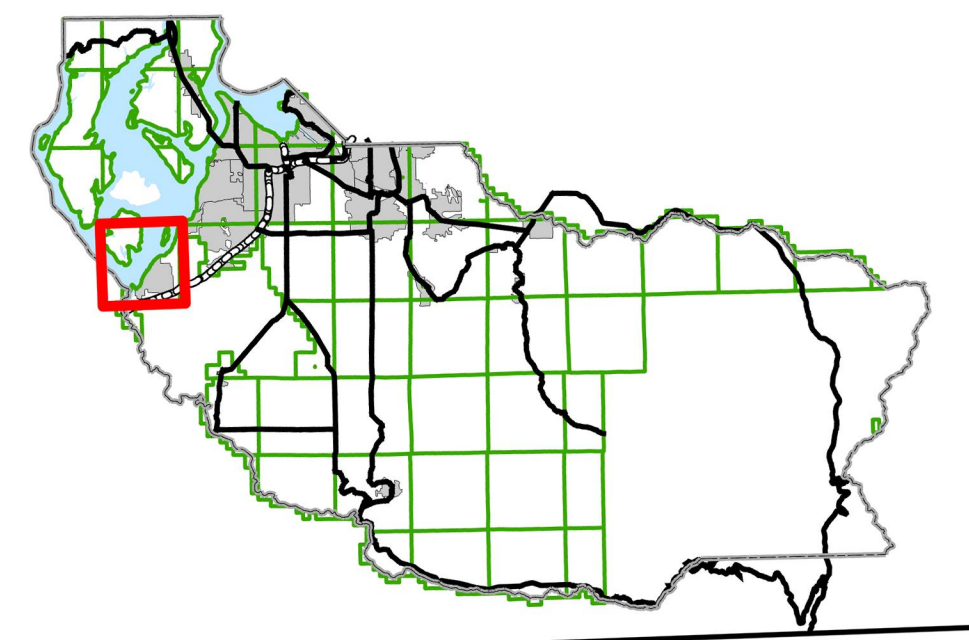
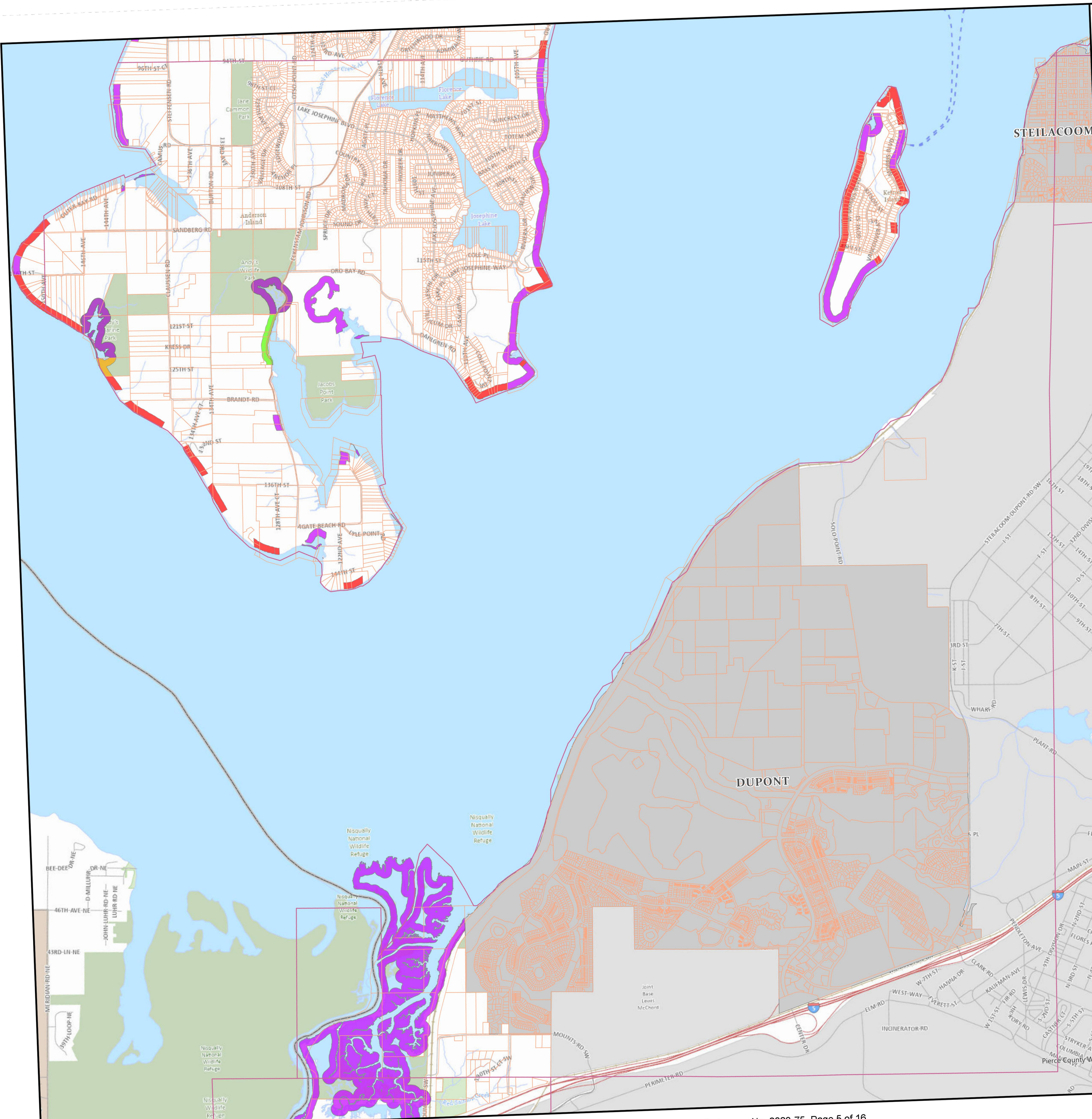
- 33 5. On page 6 of Exhibit A, in Table 18S.60.030-1. Shoreline Permit Table, amend
34 the "Residential Water Access Facility (serves 4 or fewer parcels)" row as shown
35 below in shading format to insert a new reference to footnote (11), and on page 7
36 of Exhibit A, following "Notes," insert footnote (11) as shown below in shading
37 format:
38
39



Table 18S.60.030-1. Shoreline Permit Table						
Uses, Modifications and Development	Shoreline Environment Designation (SED)					
	N	C	R	H	AF	AM
N=Natural, C=Conservancy, R=Residential, H=High Intensity, AF=Aquatic Freshwater, AM=Aquatic Marine						
Water Access Facilities (See PCC 18S.40.140 for Water Access Facilities Policies and Regulations)						
Residential Water Access Facility (serves 4 or fewer parcels)		(11)	(11)		(8)	AC (8)(11)
Notes:						
(11) New Residential Docks and Piers are prohibited on specific marine shoreline locations as described in PCC 18S.40.140 D. and mapped in Chapter 18S.70 PCC, Appendix J – Water Access Facility Prohibition Map.						

1
2
3
4
5
6

6. Repeal and replace the maps referred to as Appendix J, "Water Access Facility Prohibition Maps," (Exhibit J to Ordinance No. 2022-37s) with the attached 12 maps (Adopted Piers and Docks Prohibition Maps – dated January 25, 2023) that provide greater resolution and clarity as approved by the Department of Ecology.



Adopted Piers and Docks Prohibition Maps Existing and Adopted Restrictions

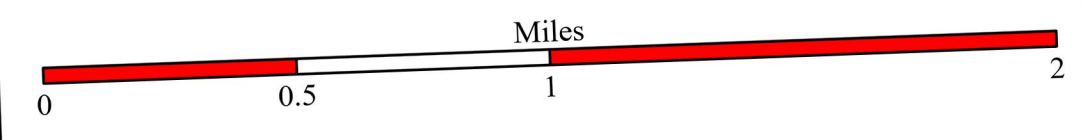
- Adopted Restriction - Consultant Proposal or Existing Source
 - █ ESA Proposed
 - █ Marine Shoreline Critical Salmon Habitat
 - █ Both Criteria
 - █ Existing Restriction

This map is a general illustration Pierce County's shoreline.

Refer to the GIS data when determining the Shoreline Environment Designation and sections that have pier and dock restrictions for a specific parcel.

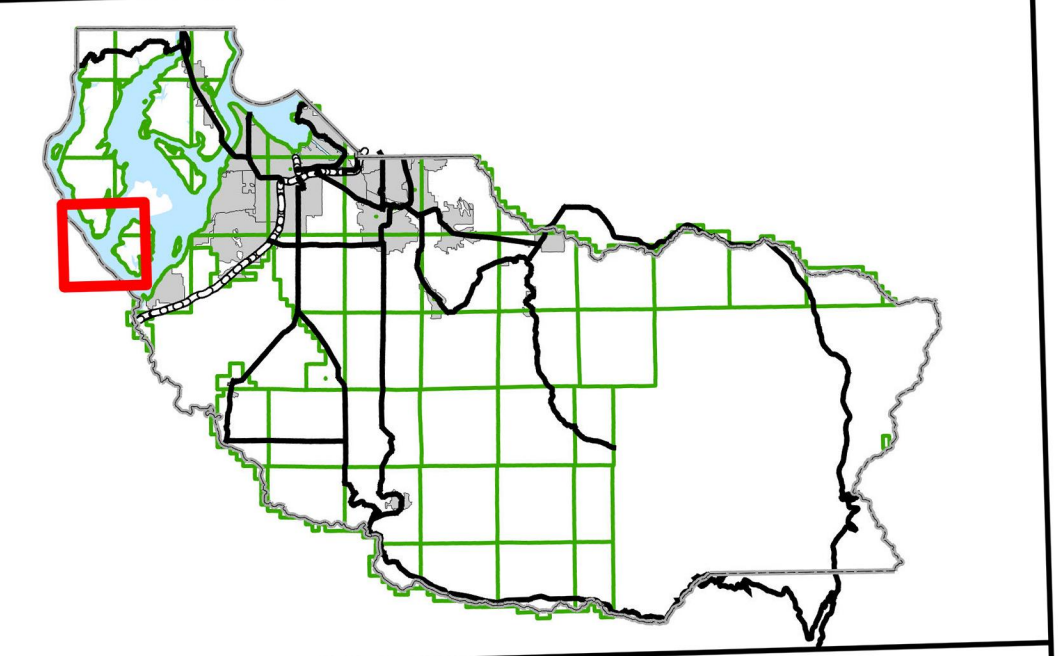
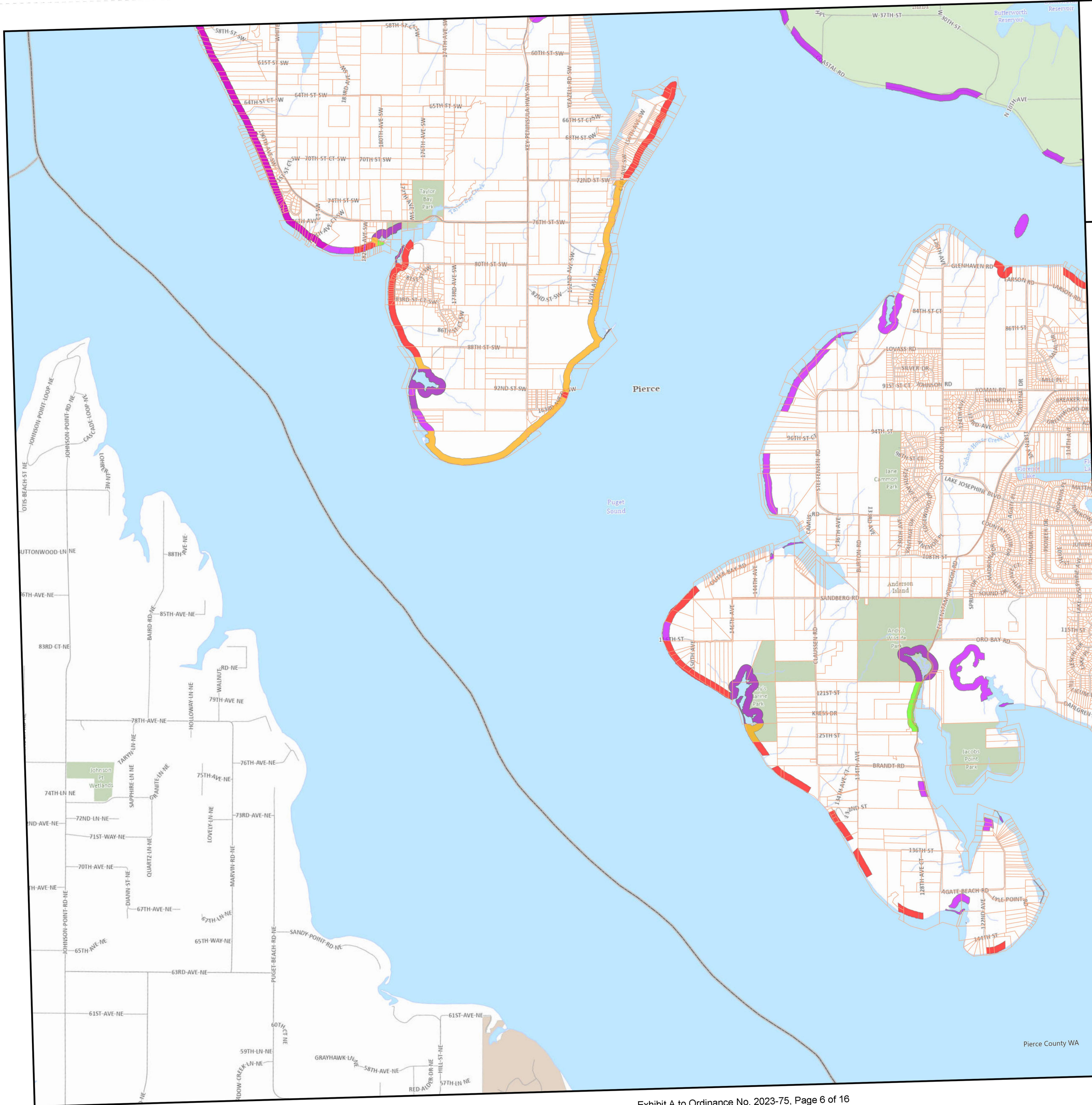
Map Disclaimer: This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided "as is" and with all faults.

- Pierce County Boundary
- Range Township
- Tax Parcels



Planning and Public Works
Date Printed: 12/26/2023

T19N - R1E



Adopted Piers and Docks Prohibition Maps

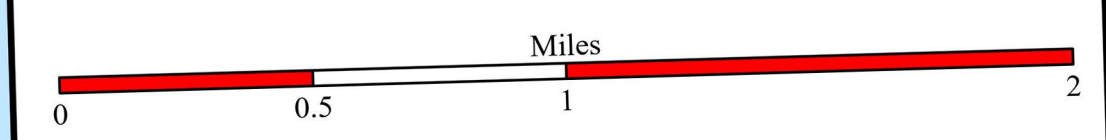
Existing and Adopted Restrictions

- Adopted Restriction - Consultant Proposal or Existing Source
- █ ESA Proposed
 - █ Marine Shoreline Critical Salmon Habitat
 - █ Both Criteria
 - █ Existing Restriction

This map is a general illustration Pierce County's shoreline.
 Refer to the GIS data when determining the Shoreline Environment Designation and sections that have pier and dock restrictions for a specific parcel.

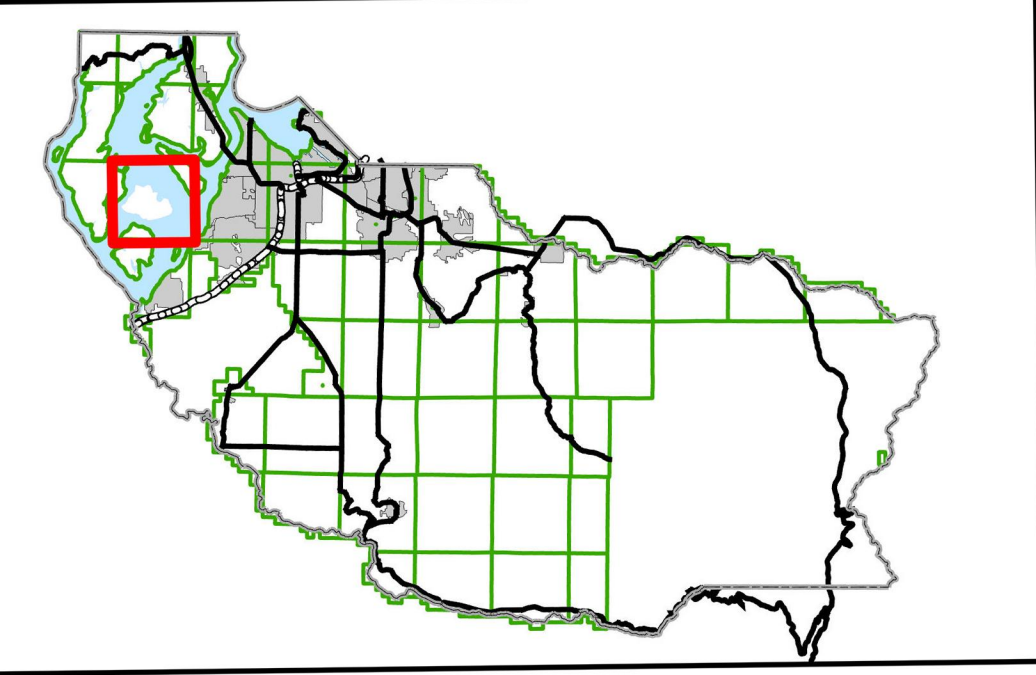
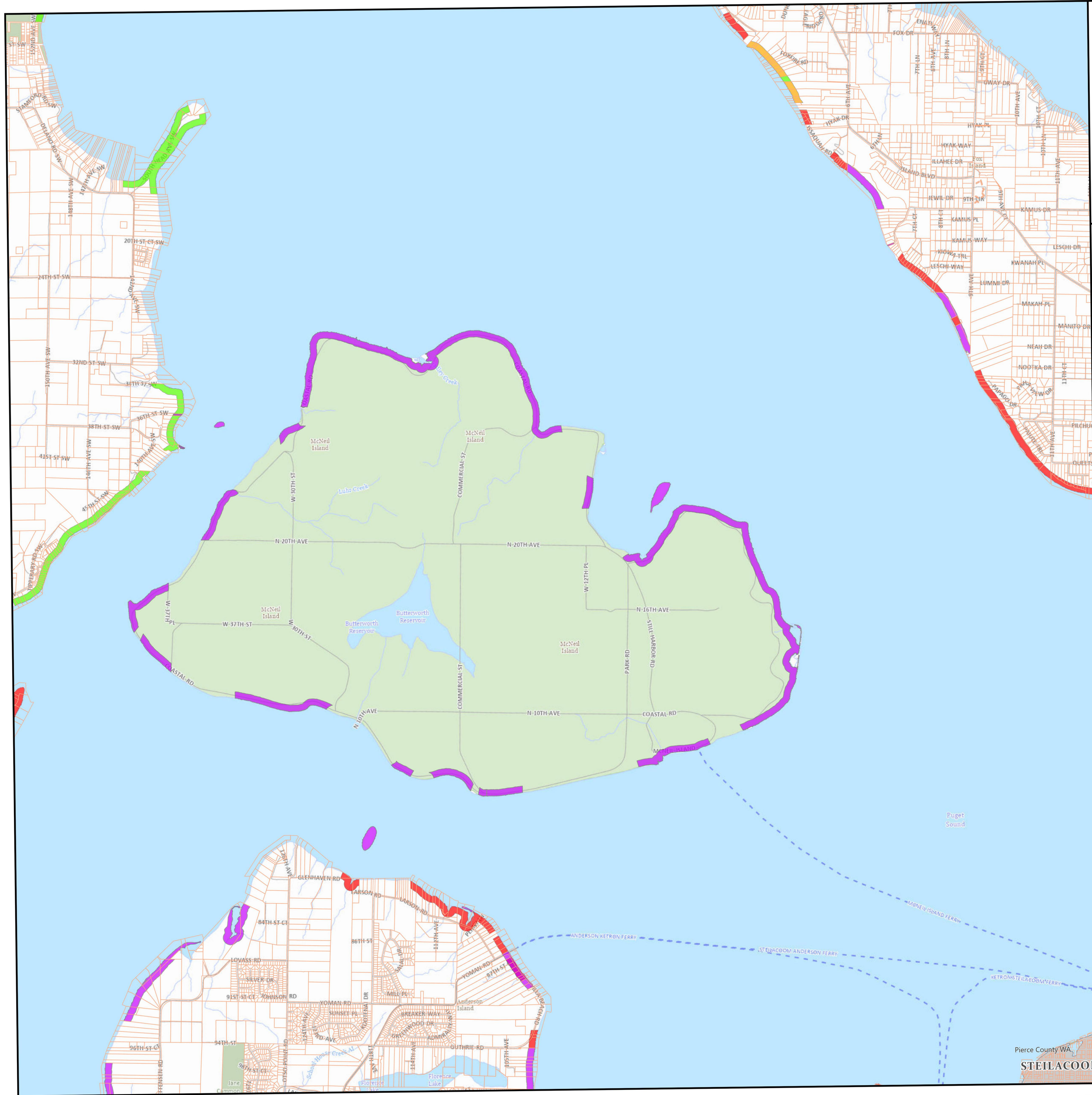
Map Disclaimer: This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided "as is" and with all faults.

- Pierce County Boundary
- Tax Parcels



Pierce County Planning and Public Works
 Date Printed: 1/25/2023

T19N - R1W



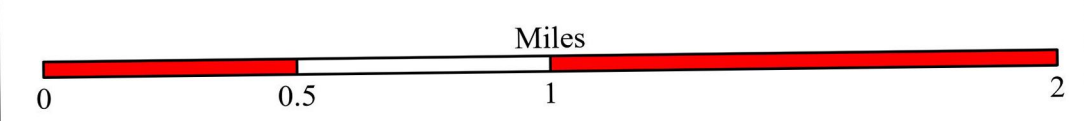
Adopted Piers and Docks Prohibition Maps Existing and Adopted Restrictions

- Adopted Restriction - Consultant Proposal or Existing Source
- █ ESA Proposed
 - █ Marine Shoreline Critical Salmon Habitat
 - █ Both Criteria
 - █ Existing Restriction

This map is a general illustration Pierce County's shoreline.
Refer to the GIS data when determining the Shoreline Environment Designation and sections that have pier and dock restrictions for a specific parcel.

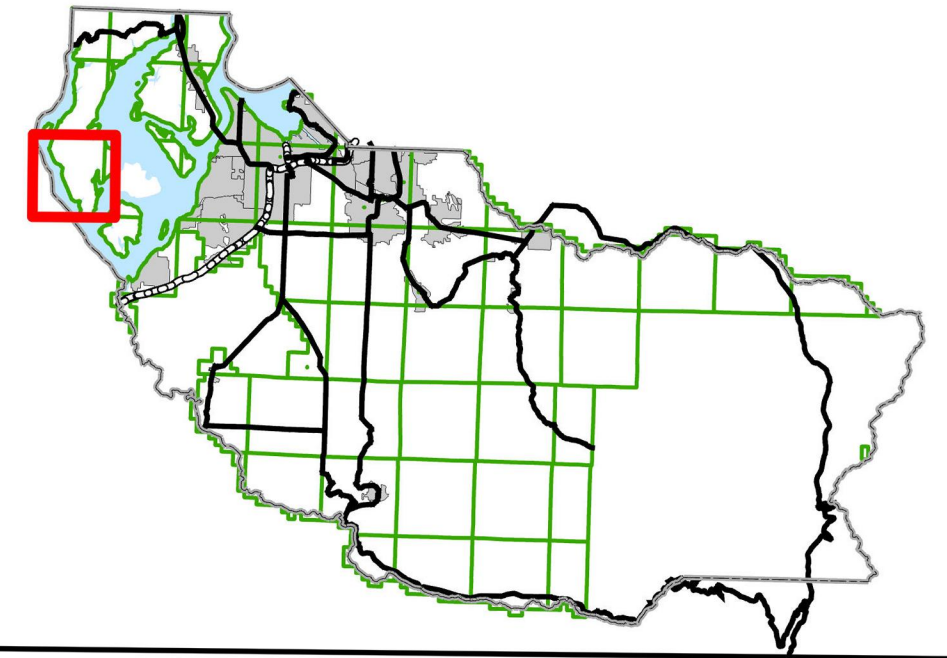
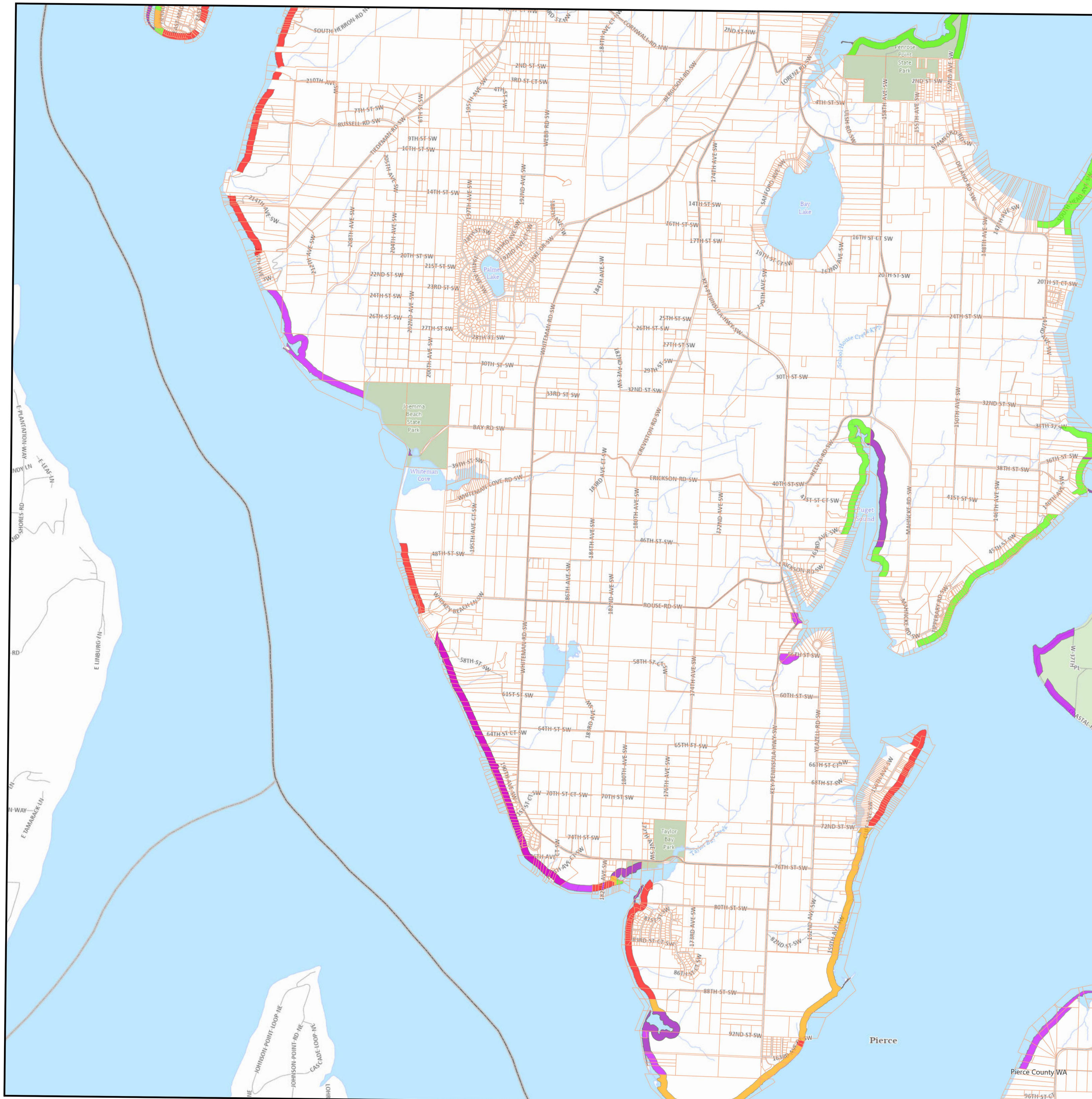
Map Disclaimer: This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided "as is" and with all faults.

- Pierce County Boundary
- Tax Parcels



Planning and Public Works
Date Printed: 1/25/2023

T20N - R1E



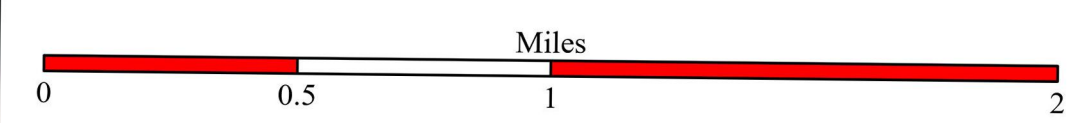
Adopted Piers and Docks Prohibition Maps Existing and Adopted Restrictions

- Adopted Restriction - Consultant Proposal or Existing Source
- █ ESA Proposed
 - █ Marine Shoreline Critical Salmon Habitat
 - █ Both Criteria
 - █ Existing Restriction

This map is a general illustration Pierce County's shoreline.
Refer to the GIS data when determining the Shoreline Environment Designation and sections that have pier and dock restrictions for a specific parcel.

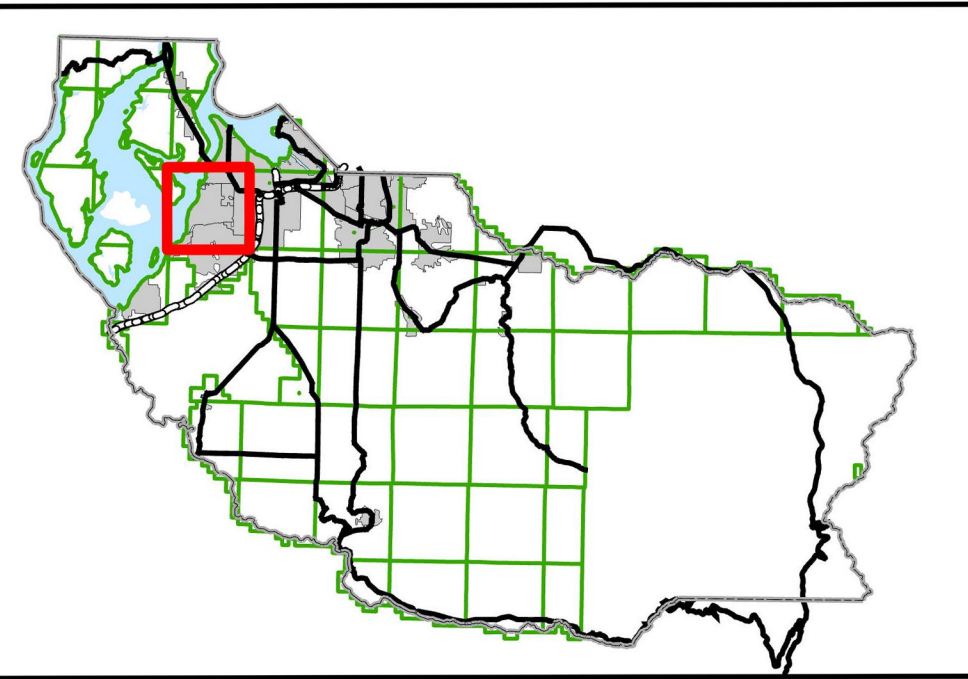
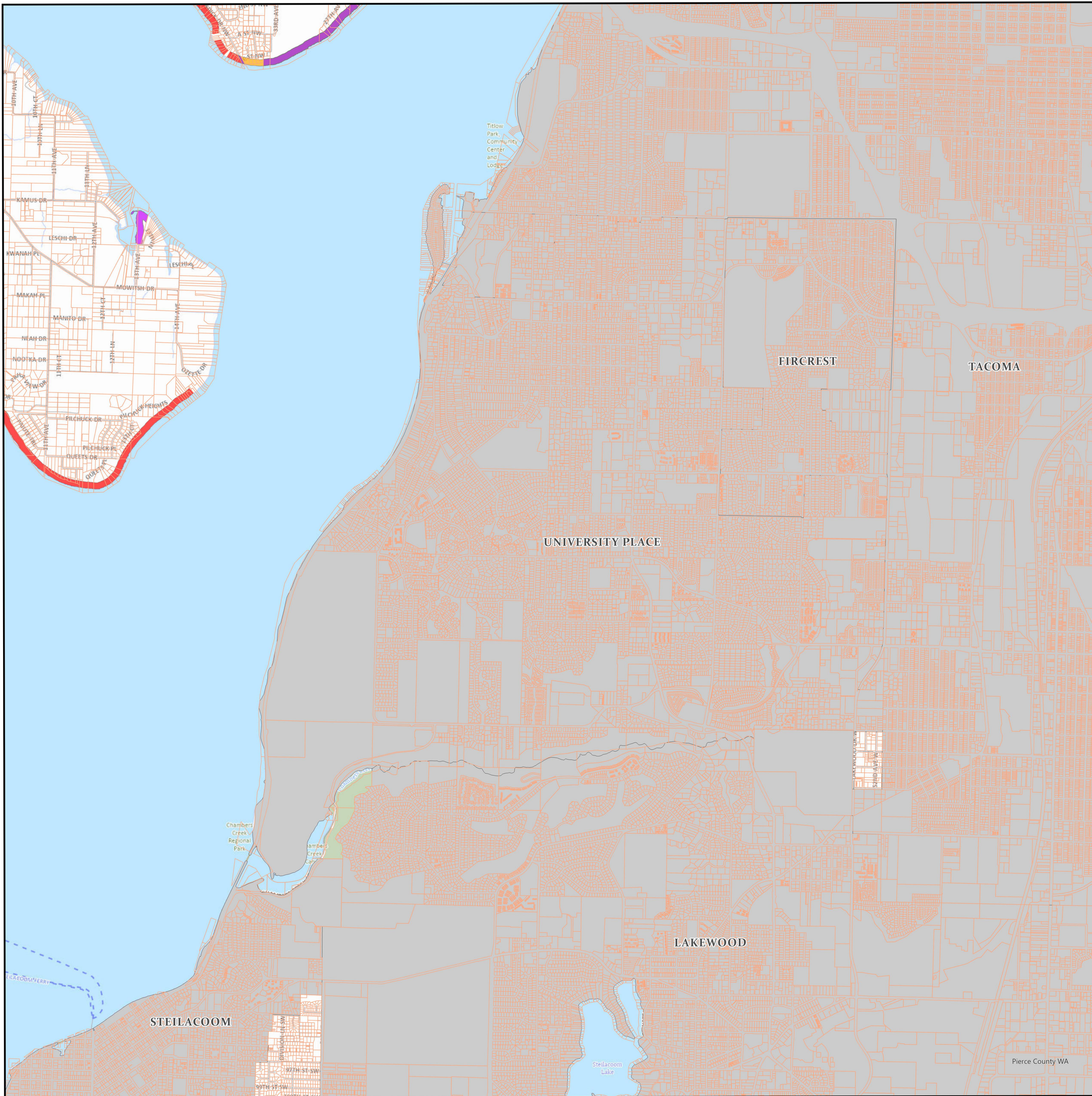
Map Disclaimer: This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided "as is" and with all faults.

- Pierce County Boundary
- Tax Parcels



Pierce County Planning and Public Works
Date Printed: 1/25/2023

T20N - R1W



Adopted Piers and Docks Prohibition Maps

Existing and Adopted Restrictions

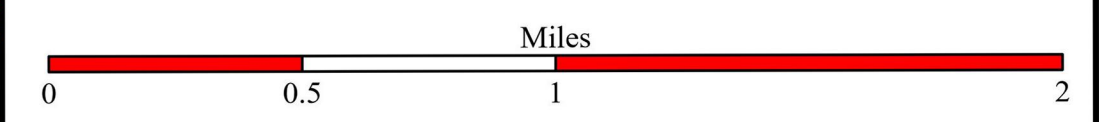
- Adopted Restriction - Consultant Proposal or Existing Source
 - ESA Proposed
 - Marine Shoreline Critical Salmon Habitat
 - Both Criteria
 - Existing Restriction

This map is a general illustration Pierce County's shoreline.

Refer to the GIS data when determining the Shoreline Environment Designation and sections that have pier and dock restrictions for a specific parcel.

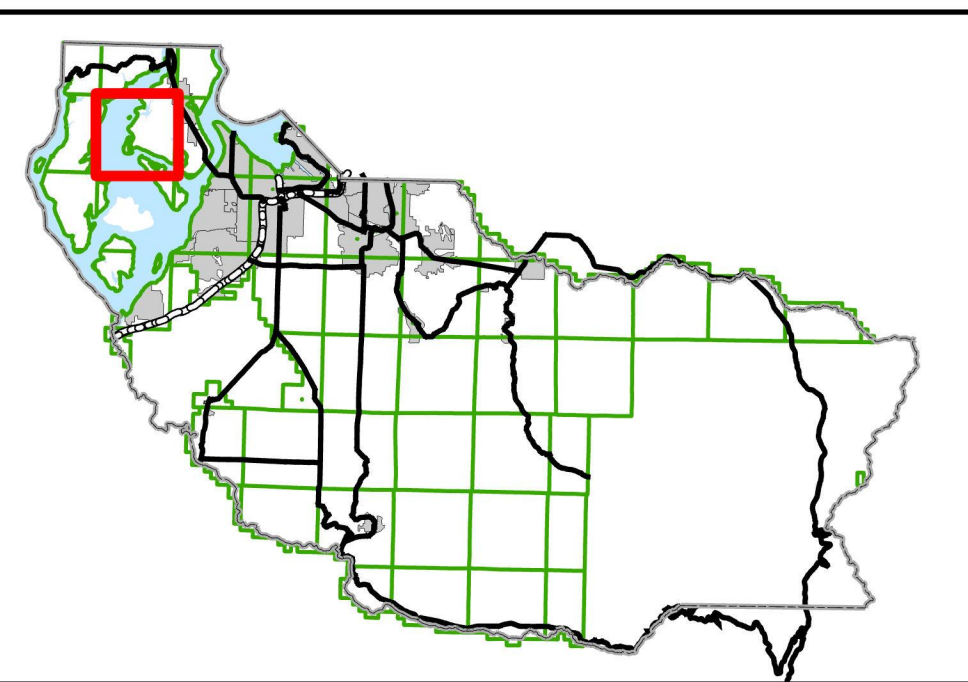
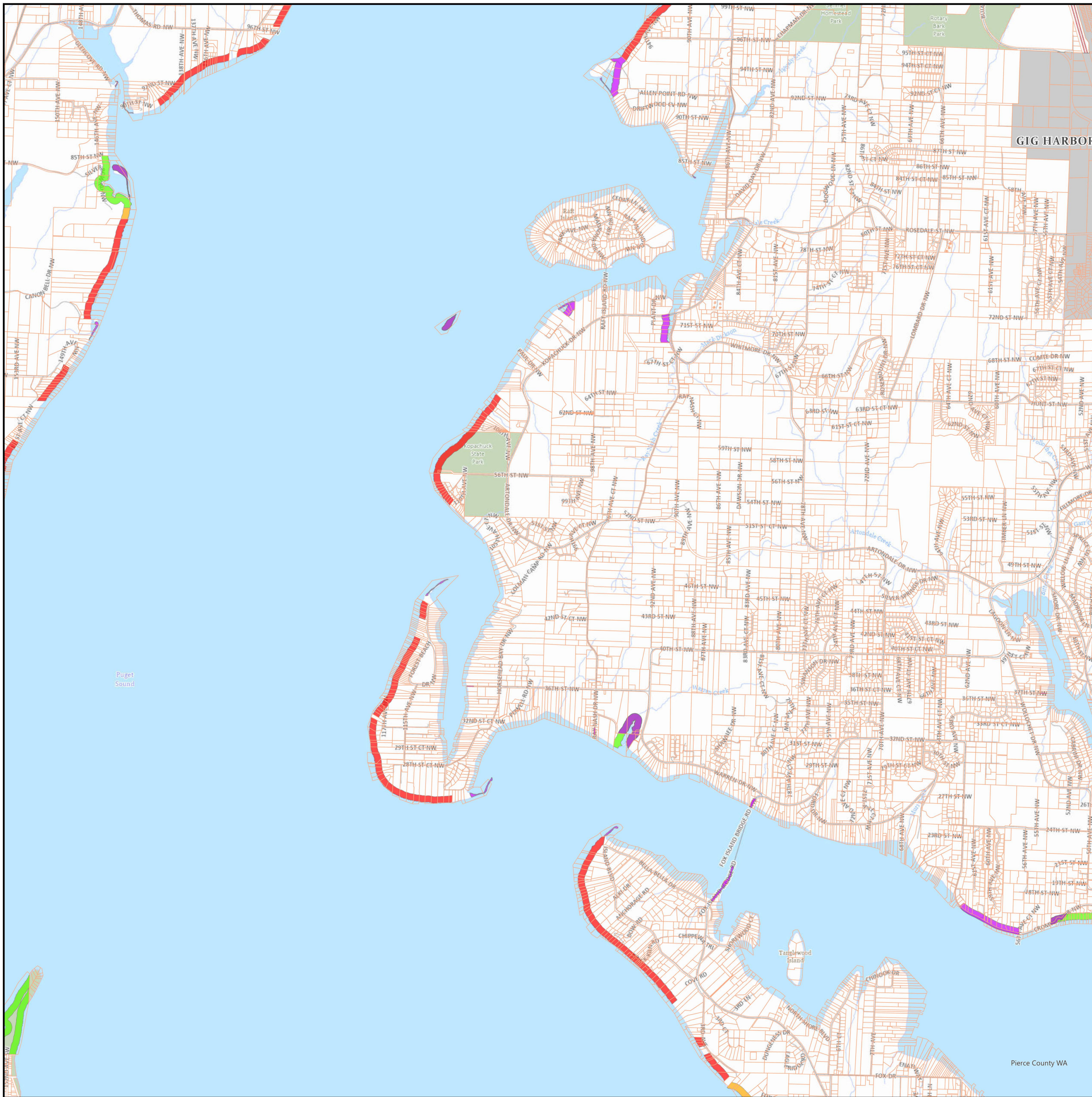
Map Disclaimer: This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided "as is" and with all faults.

- Pierce County Boundary
- Tax Parcels



Planning and Public Works
Date Printed: 1/25/2023

T20N - R2E



Adopted Piers and Docks Prohibition Maps

Existing and Adopted Restrictions

Adopted Restriction - Consultant Proposal or Existing Source

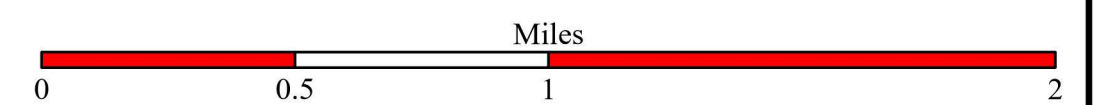
- █ ESA Proposed
- █ Marine Shoreline Critical Salmon Habitat
- █ Both Criteria
- █ Existing Restriction

This map is a general illustration Pierce County's shoreline.

Refer to the GIS data when determining the Shoreline Environment Designation and sections that have pier and dock restrictions for a specific parcel.

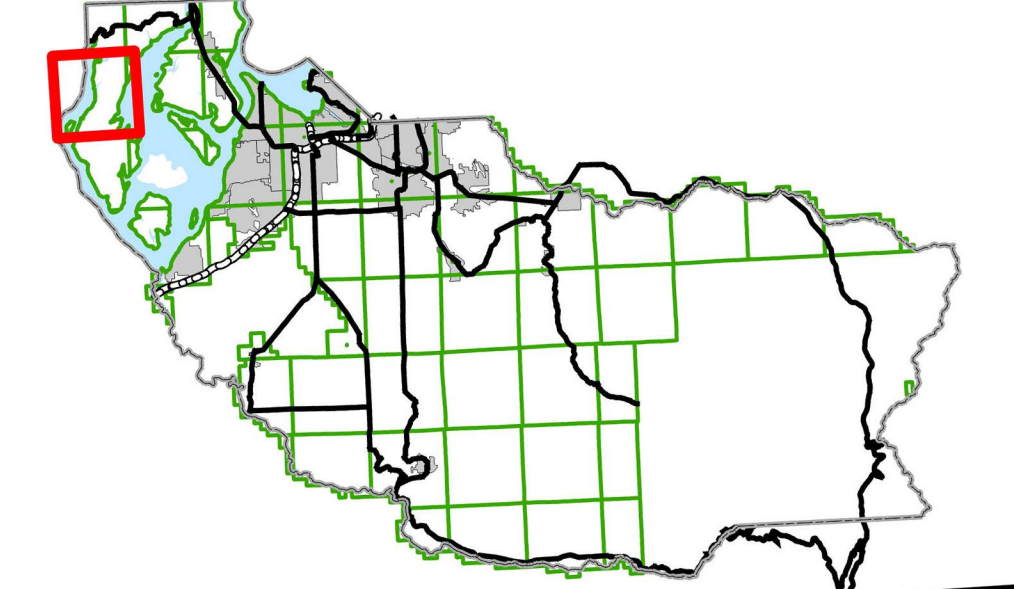
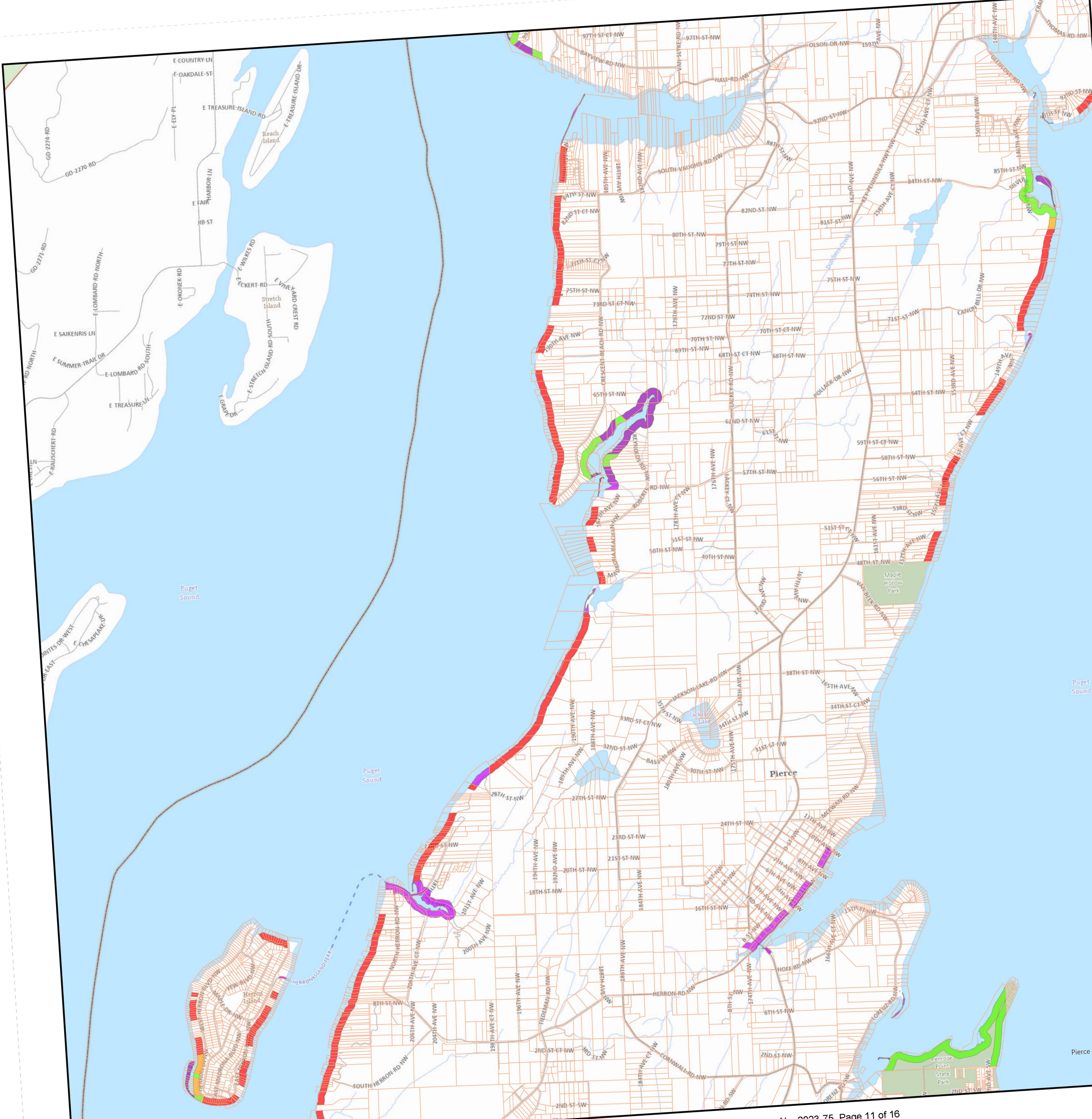
Map Disclaimer: This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided "as is" and with all faults.

- Pierce County Boundary
- Tax Parcels



Planning and Public Works
Date Printed: 1/25/2023

T21N - R1E



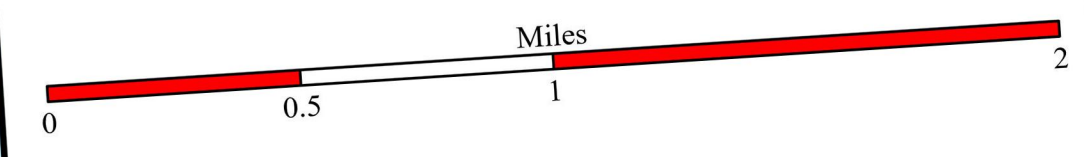
Adopted Piers and Docks Prohibition Maps Existing and Adopted Restrictions

- Adopted Restriction - Consultant Proposal or Existing Source
- █ ESA Proposed
 - █ Marine Shoreline Critical Salmon Habitat
 - █ Both Criteria
 - █ Existing Restriction

This map is a general illustration Pierce County's shoreline.
Refer to the GIS data when determining the Shoreline Environment Designation and sections that have pier and dock restrictions for a specific parcel.

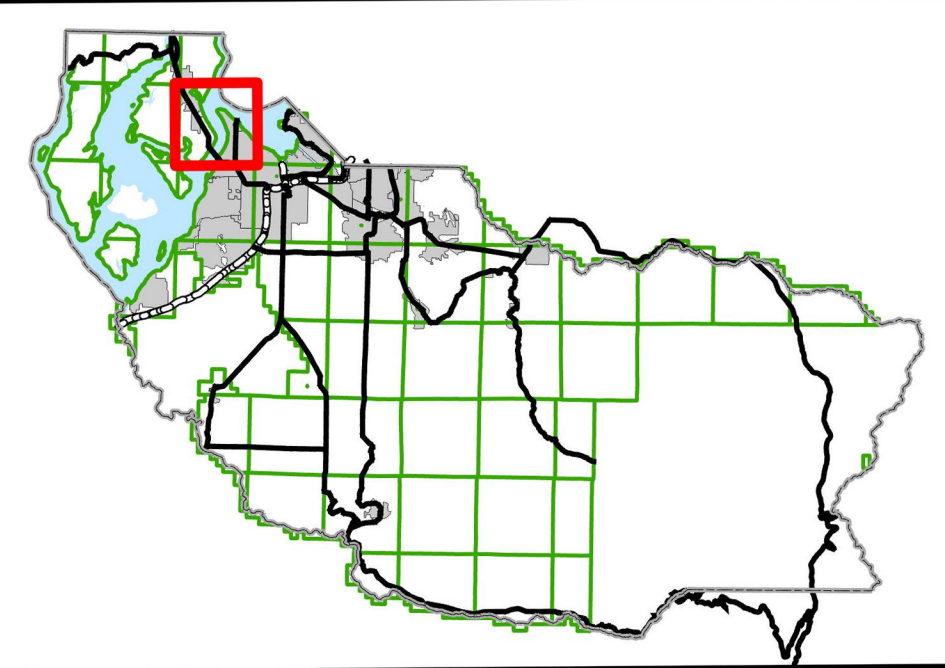
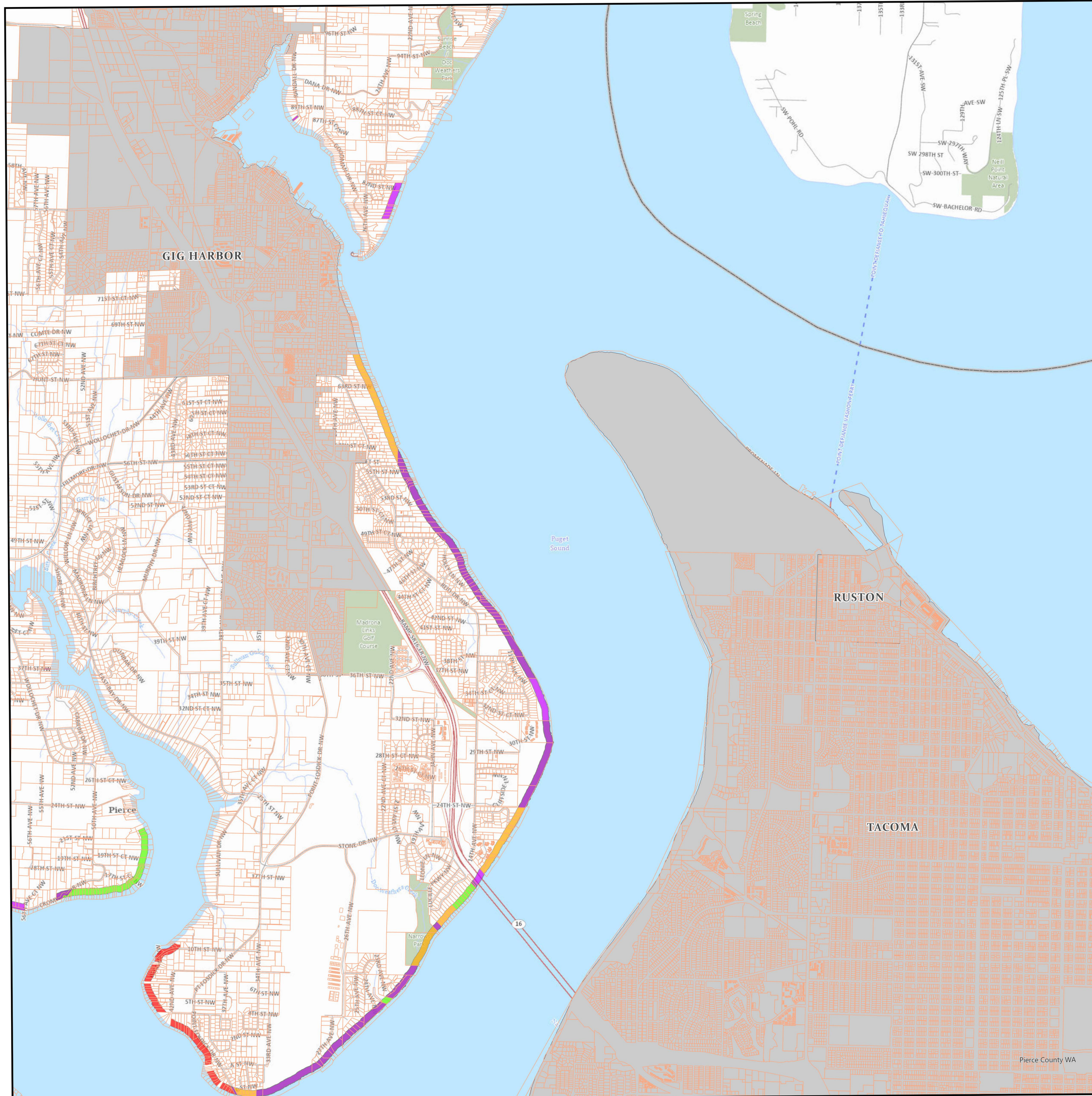
Map Disclaimer: This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided "as is" and with all faults.

- Pierce County Boundary
- Tax Parcels



Planning and Public Works
Date Printed: 1/25/2023

T21N - R1W



Adopted Piers and Docks Prohibition Maps

Existing and Adopted Restrictions

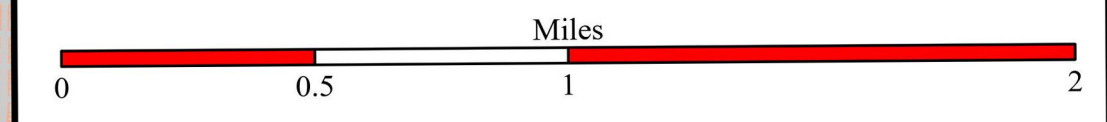
- Adopted Restriction - Consultant Proposal or Existing Source
 - ESA Proposed
 - Marine Shoreline Critical Salmon Habitat
 - Both Criteria
 - Existing Restriction

This map is a general illustration Pierce County's shoreline.

Refer to the GIS data when determining the Shoreline Environment Designation and sections that have pier and dock restrictions for a specific parcel.

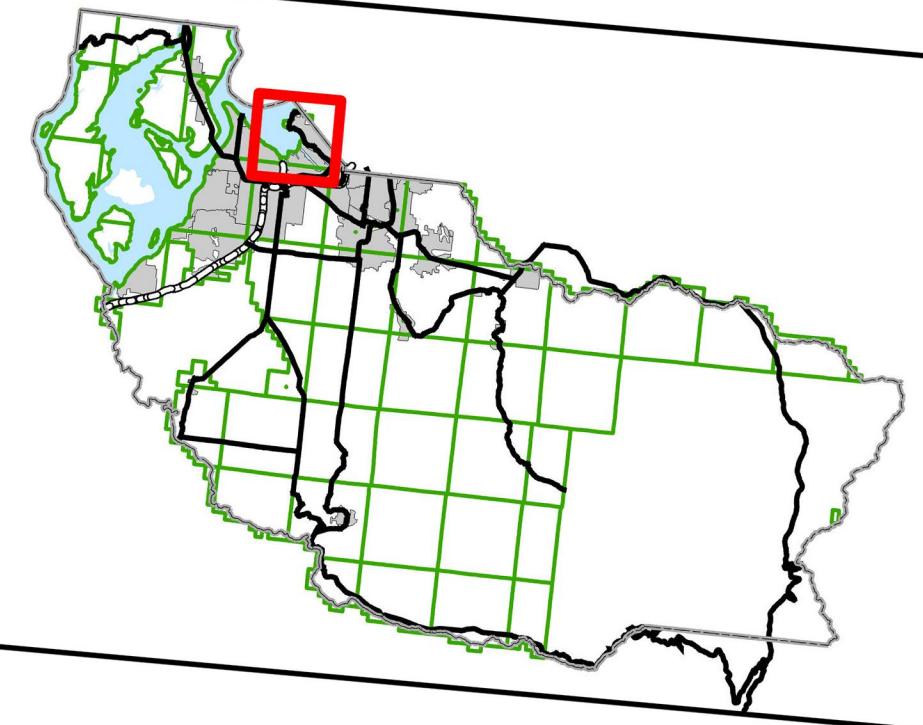
Map Disclaimer: This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided "as is" and with all faults.

- Pierce County Boundary
- Tax Parcels



Planning and Public Works
Date Printed: 1/25/2023

T21N - R2E



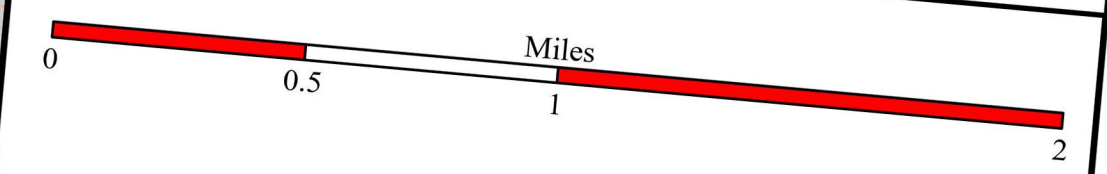
Adopted Piers and Docks Prohibition Maps Existing and Adopted Restrictions

- Adopted Restriction - Consultant Proposal or Existing Source**
- ESA Proposed
 - Marine Shoreline Critical Salmon Habitat
 - Both Criteria
- Adopted Restriction - Other**
- Pierce County Council Adopted
 - Existing Restriction

This map is a general illustration Pierce County's shoreline.
Refer to the GIS data when determining the Shoreline Environment Designation and sections that have pier and dock restrictions for a specific parcel.

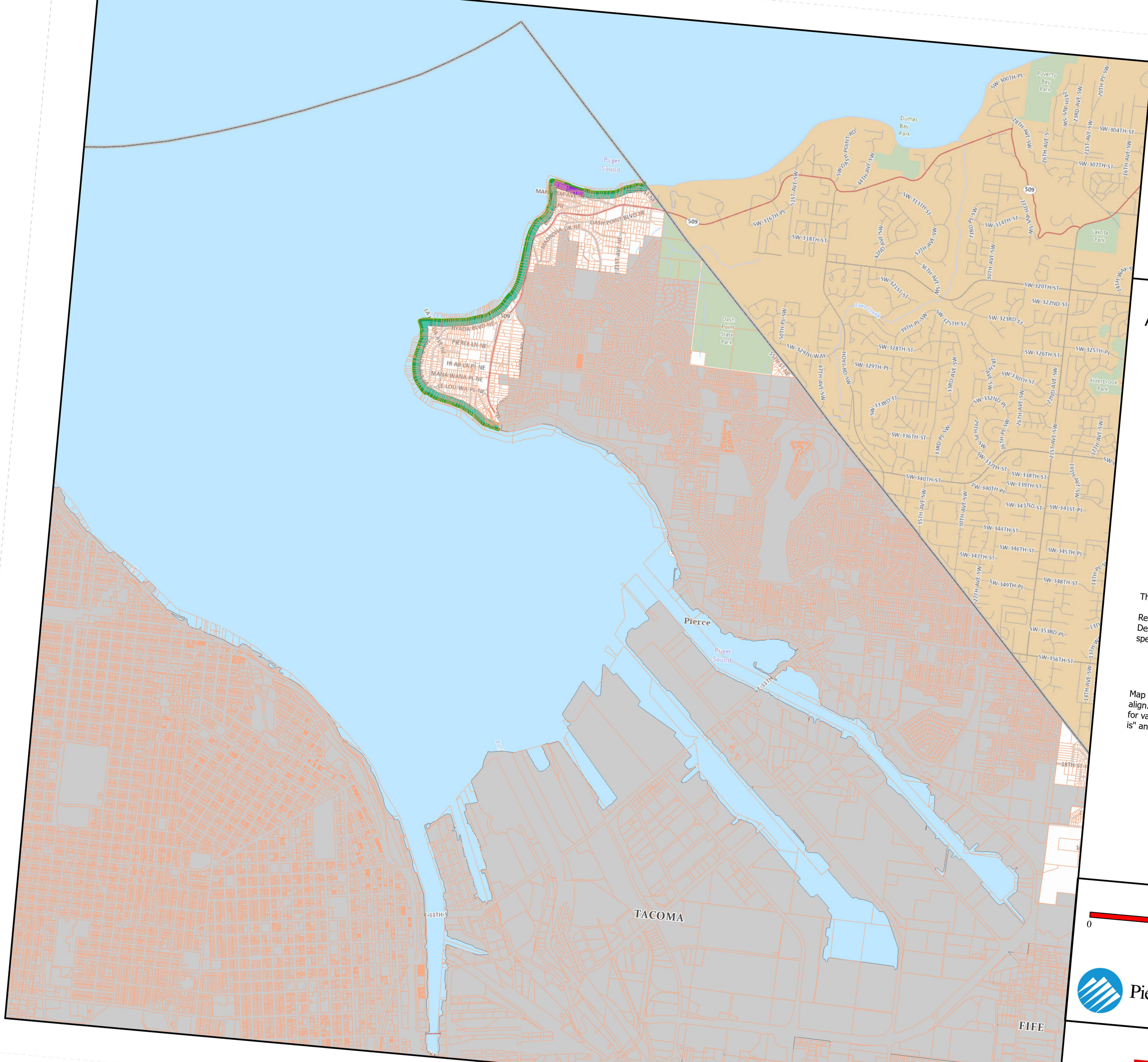
Map Disclaimer: This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided "as is" and with all faults.

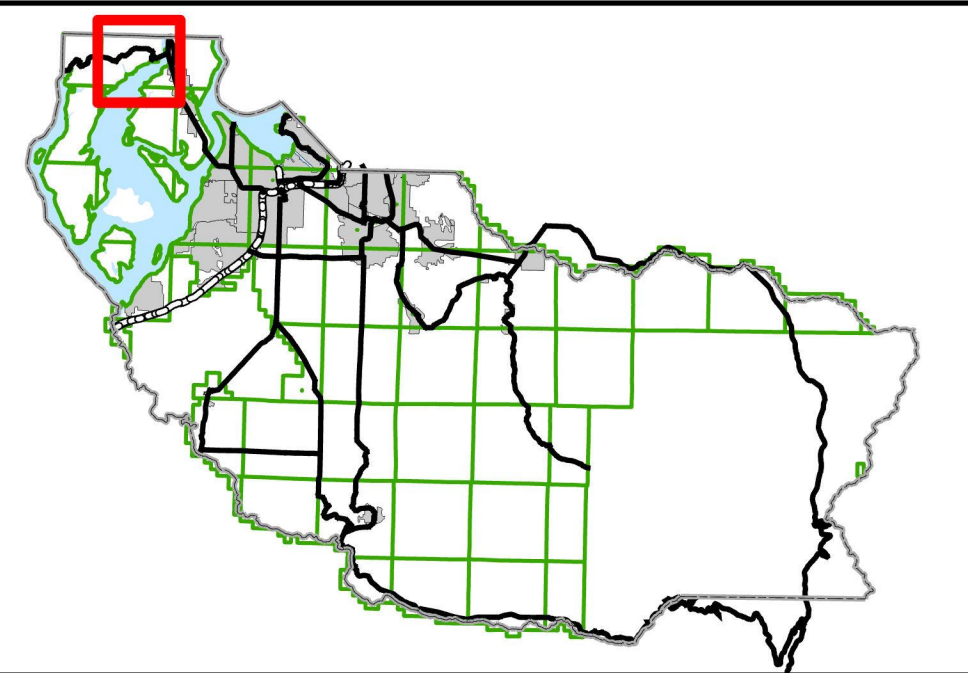
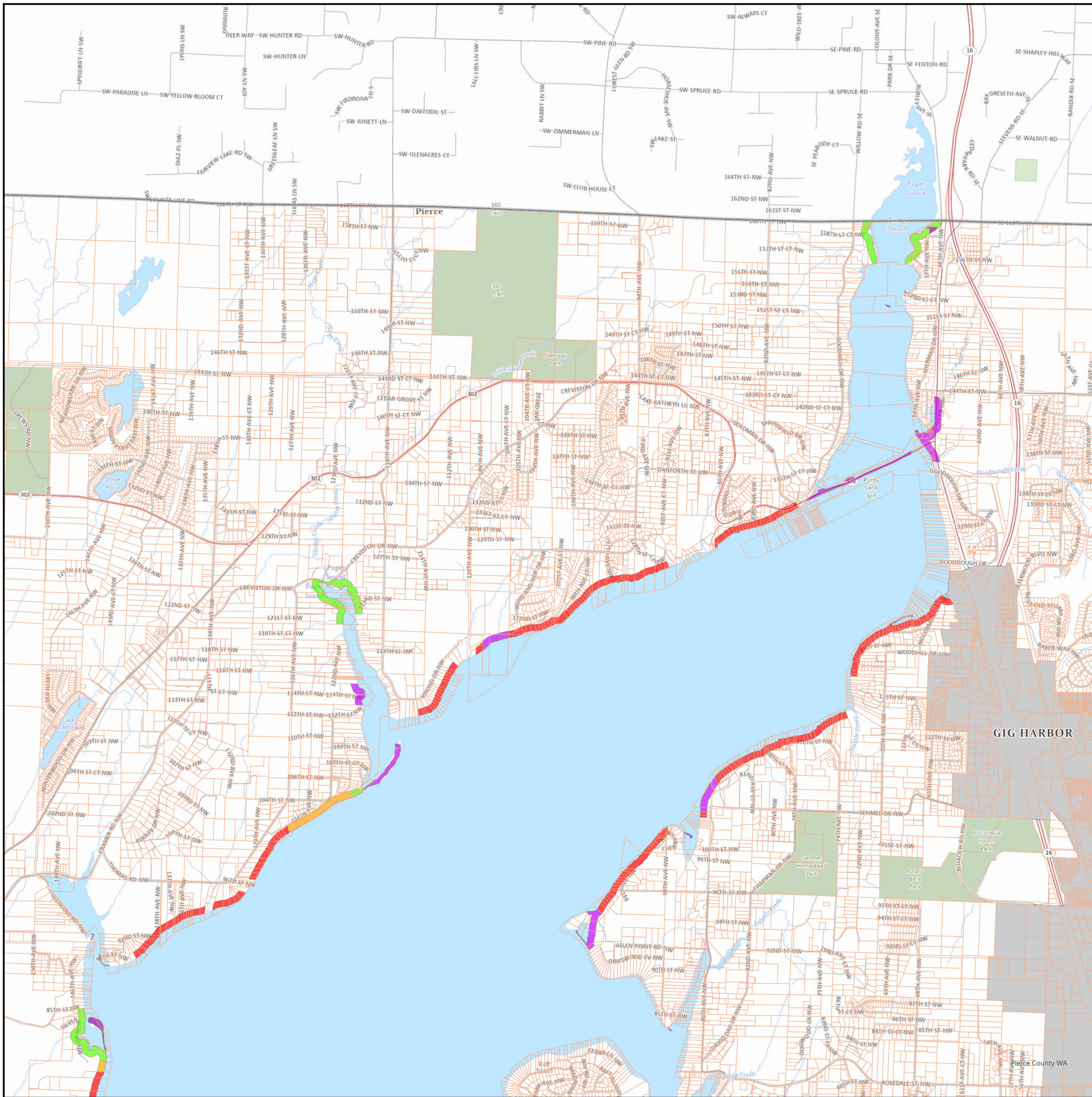
— Pierce County Boundary
 □ Tax Parcels



Pierce County Planning and Public Works
 Date Printed: 1/25/2023

T21N - R3E





Adopted Piers and Docks Prohibition Maps

Existing and Adopted Restrictions

Adopted Restriction - Consultant Proposal or Existing Source

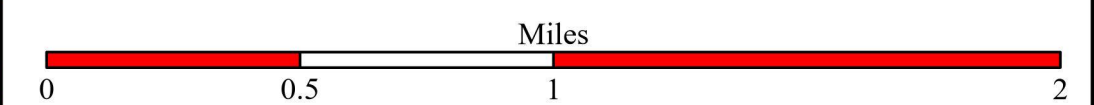
- █ ESA Proposed
- █ Marine Shoreline Critical Salmon Habitat
- █ Both Criteria
- █ Existing Restriction

This map is a general illustration Pierce County's shoreline.

Refer to the GIS data when determining the Shoreline Environment Designation and sections that have pier and dock restrictions for a specific parcel.

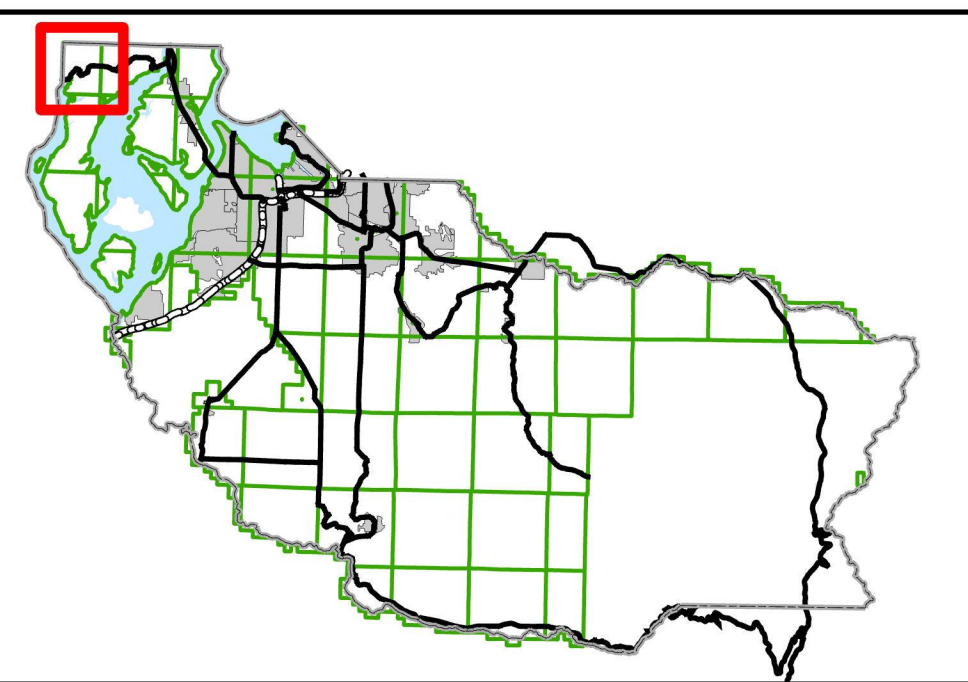
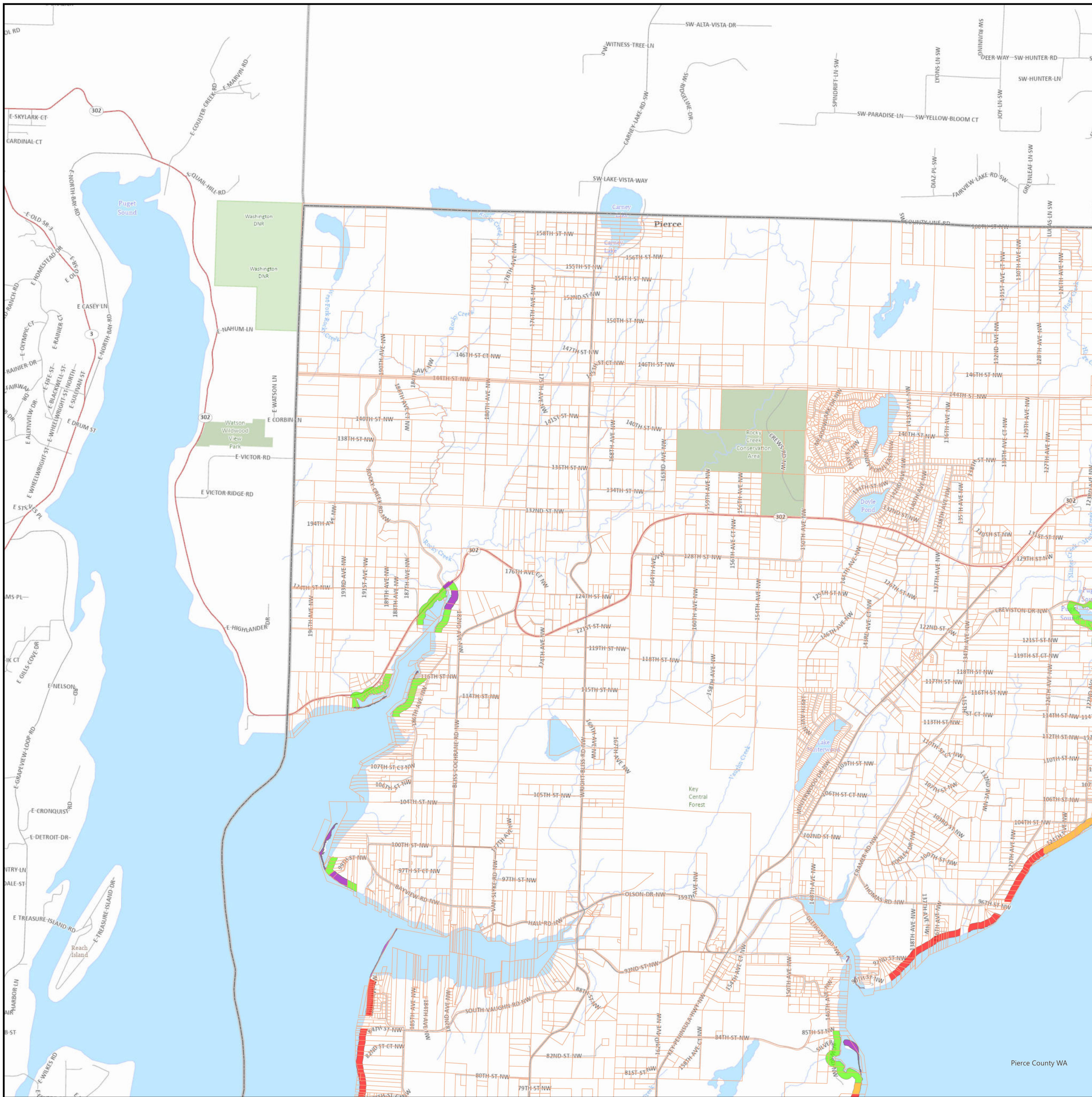
Map Disclaimer: This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided "as is" and with all faults.

- Pierce County Boundary
- Tax Parcels



Planning and Public Works
Date Printed: 1/25/2023

T22N - R1E



Adopted Piers and Docks Prohibition Maps

Existing and Adopted Restrictions

Adopted Restriction - Consultant Proposal or Existing Source

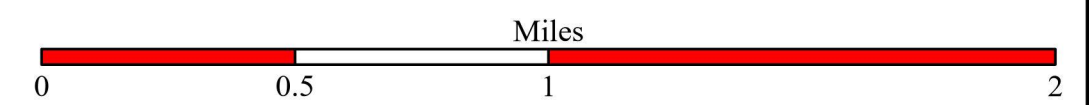
- ESA Proposed
- Marine Shoreline Critical Salmon Habitat
- Both Criteria
- Existing Restriction

This map is a general illustration Pierce County's shoreline.

Refer to the GIS data when determining the Shoreline Environment Designation and sections that have pier and dock restrictions for a specific parcel.

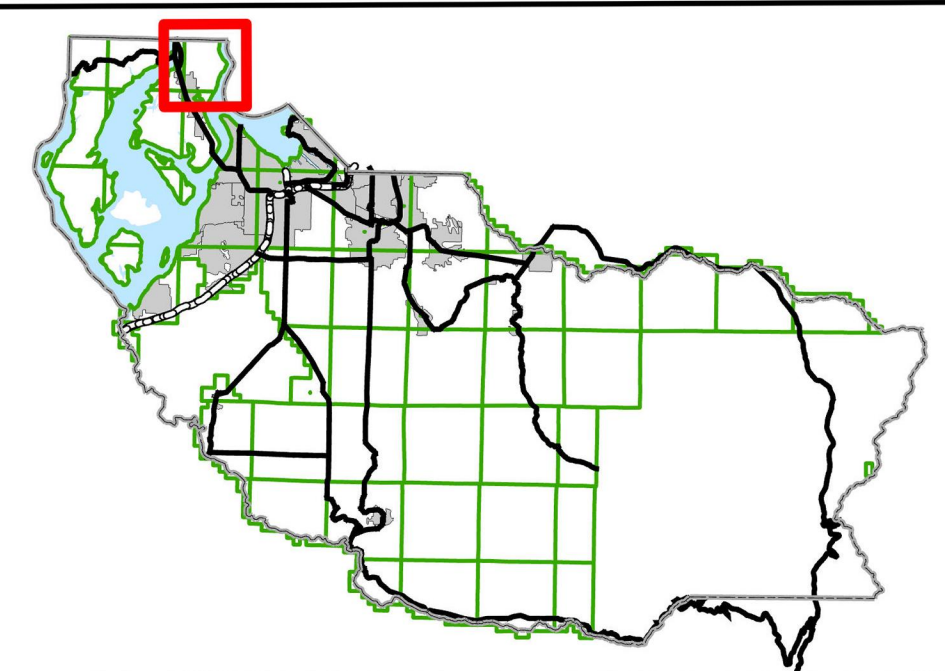
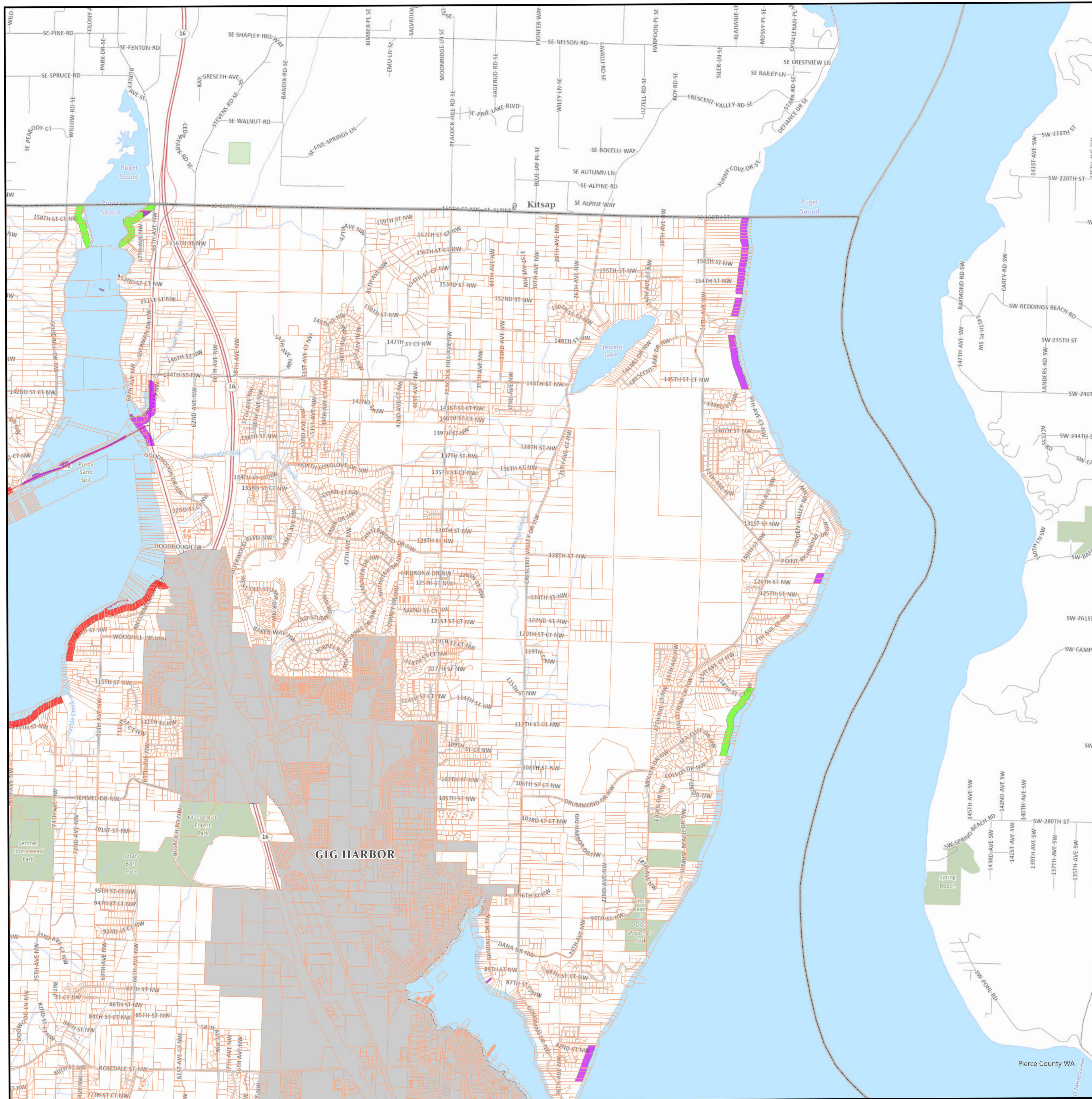
Map Disclaimer: This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided "as is" and with all faults.

- Pierce County Boundary
- Tax Parcels



Planning and Public Works
Date Printed: 1/25/2023

T22N - R1W



Adopted Piers and Docks Prohibition Maps

Existing and Adopted Restrictions

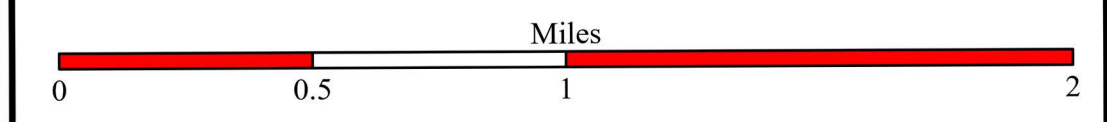
- Adopted Restriction - Consultant Proposal or Existing Source
 - █ ESA Proposed
 - █ Marine Shoreline Critical Salmon Habitat
 - █ Both Criteria
 - █ Existing Restriction

This map is a general illustration Pierce County's shoreline.

Refer to the GIS data when determining the Shoreline Environment Designation and sections that have pier and dock restrictions for a specific parcel.

Map Disclaimer: This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided "as is" and with all faults.

- Pierce County Boundary
- Tax Parcels



Planning and Public Works
Date Printed: 1/25/2023

T22N - R2E