

**CENTRAL PUGET SOUND  
GROWTH MANAGEMENT HEARINGS BOARD  
STATE OF WASHINGTON**

CITY OF TACOMA,	)	
	)	<b>Case No. 03-3-0002</b>
Petitioner,	)	<i>(Tacoma III)</i>
	)	
v.	)	
	)	
PIERCE COUNTY,	)	<b>FINDING OF NONCOMPLIANCE</b>
	)	<b>AND ORDER OF REMAND</b>
Respondent.	)	
	)	
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**I. Background**

On July 17, 2003, the Central Puget Sound Growth Management Hearings Board (the **Board**) received from Pierce County (the **County**) and the City of Tacoma (the **City**) a “Stipulated Finding of Noncompliance and Proposed Order of Remand” (the **Stipulation**) in the above captioned case.

**II. DISCUSSION**

The Board has previously granted two settlement extensions to enable the parties to pursue resolution of this matter. During that time, the parties have been actively involved in settlement discussion. Stipulation, at 2. The parties also agree that:

. . . an insufficient amount of collaboration took place between the parties as required by the [Gig Harbor] Community Plan prior to the adoption of the development regulation ordinance. On remand, the County and City shall develop a sufficient collaborative process prior to the County taking further action on the implementing development regulations. As an end result of this collaborative process, the County may also consider revisions to the Pierce County Comprehensive Plan, including the Gig Harbor Community Plan, in order to resolve any potential inconsistencies with Ordinance No. 2002-113S or the GMA.

Stipulation, at 3.

RCW 36.70A.300(3) provides in part:

In the final order, the board shall either:

...

(b) Find that the state agency, county, or city is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW, in which case the board shall remand the matter to the affected state agency, county, or city. The board shall specify a reasonable time not in excess of one hundred eighty days, or such longer period as determined by the board in cases of unusual scope or complexity, within which the state agency, county, or city shall comply with the requirements of this chapter. The board may require periodic reports to the board on the progress the jurisdiction is making towards compliance.

Emphasis added.

In view of the unusual scope and complexity of this matter, the Board concludes that it is appropriate that the period of remand be two hundred and seventy (270) days from of the issuance of this order.

### **III. ORDER**

Based on the Stipulation, the Board finds and orders as follows:

1. The County is in **noncompliance** with the provisions of the Growth Management Act and the matter is **remanded** to Pierce County to undertake actions to come into compliance with the GMA.
2. Compliance actions shall include developing and implementing a satisfactory collaborative process in adopting development regulations to implement the Gig Harbor Peninsula Community Plan. Said compliance actions may also include, as appropriate, revisions to the Pierce County Comprehensive Plan and the Gig Harbor Community Plan.
3. Pierce County shall take action to comply with this order by **Friday, April 9, 2004**.
4. By **Monday, April 19, 2004**, the County shall submit to the Board, and serve a copy on the City, a Statement of Actions Taken to Comply (**SATC**) with this Order. Attached to

the SATC will be a copy of any legislative action taken by the County to achieve compliance with this Order and the provisions of the GMA.

5. By **Monday, April 26, 2004**, the City, at its option, may submit to the Board, with a copy to the County, a pre-compliance hearing response brief addressing the SATC.

6. A compliance hearing on this matter is scheduled for **Monday, May 3, 2004** beginning at **10:00 a.m.** in the Board's Seattle office.

So ORDERED this 23rd day of July, 2003.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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Edward G. McGuire, AICP  
Board Member

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Lois H. North  
Board Member

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Joseph W. Tovar, AICP  
Board Member

Note: This order constitutes a final order as specified by RCW 36.70A.300 unless a party files a motion for reconsideration.