

Section 6 of the challenged Ordinance (No. 2003-103s) provided, “This Ordinance shall become effective on the effective date of its implementing regulations.” The County indicates that, “Development regulations to implement the Ordinance have never been adopted. Therefore the Ordinance has never taken effect.” Co. Motion, at 2.

Additionally, the County has passed two resolutions, R2003-139s and R2004-105s, which commit the County to reviewing and updating its agricultural land policies and designations, pursuant to this Board 8/2/04 FDO. Id., at 3-4.

The Board did not request a response to the County’s motion, nor did the Board receive a timely “Answer” to the County’s motion, pursuant to WAC 242-02-832(1).

In light of Section 6 of Ordinance No. 2003-103s and the County’s commitment to reevaluate its Agricultural Resource Land policies and designations, as reflected in resolutions R2003-139s and R2004-105s, the Board will rescind its determination of invalidity as it pertains to Amendments T-8 and M-12. Since there are no implementing development regulations for Amendments T-8 or M-12, there will be no substantial interference with RCW 36.70A.020(11).

V. ORDER

Based upon review of the County’s Motion, the FDO, the GMA, the Board’s Rules of Practice and Procedure, other relevant WACs, case law, prior Orders of this Board and the other Boards, and having considered and deliberated on the matter, the Board **ORDERS**:

1. Pierce County’s Motion for Reconsideration is **granted**.
2. The Board hereby **rescinds the determination of invalidity** for Amendments T-8 and M-12. However, these same amendments **remain noncompliant** with the notice and public participation requirements of RCW 36.70A.035, .130 and .140 and the agricultural resource land designation provisions of RCW 36.70A.050 and .170, as defined in .030(2) and (10), and continue to be **not guided by** Goal 8 – RCW 36.70A.020(8).
3. The compliance schedule for CPSGMHB Case No. 04-3-007c remains as stated in the August 2, 2004 FDO.

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So ORDERED this 16th day of August 2004.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Bruce C. Laing, FAICP
Board Member

Edward G. McGuire, AICP
Board Member

Margaret A. Pageler¹
Board Member

Note: An Order on Reconsideration is not subject to a motion to reconsider. See WAC 242-02-832.

¹ Board Member Pageler did not participate in this Order on Reconsideration.