

ORDINANCE NO. 727

AN ORDINANCE OF THE CITY OF GIG HARBOR CITY COUNCIL AMENDING THE CITY'S ENVIRONMENTAL REGULATIONS AFFECTING CRITICAL AREAS; AMENDING THE DEFINITIONS OF CRITICAL FISH AND WILDLIFE HABITAT TO BE CONSISTENT WITH STATE LAW; DEFINING AND ESTABLISHING THE TYPE OF ADMINISTRATIVE PERMIT PROCESS; MINOR CORRECTIONS TO CHAPTER 18.12 REGARDING CRITICAL AREAS; AND AMENDING SECTIONS 18.12.020, 18.12.030, 18.12.040, 18.12.110 and 18.12.140.

WHEREAS, the City is updating its environmental codes to provide continuity and consistency with the Regulatory Reform Act (RCW 36.70B) and newly adopted Title 19 of the Gig Harbor Municipal Code; and,

WHEREAS, Chapter 18.12 (Critical Areas) was adopted in 1991 as a requirement of the Growth Management Act; and,

WHEREAS, a review by state agencies during the city's regulatory code update under the Growth Management Act prompts changes to the city's critical areas ordinance to eliminate inconsistencies within the code and with WAC 365-190; and,

WHEREAS, changes are necessary to reflect new administrative procedures for enforcement, appeals and permit processing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR DO ORDAIN AS FOLLOWS:

Section 1. Section 18.12.020 of the Gig Harbor Municipal Code is hereby amended as follows:

G. Protect, maintain and enhance areas suitable for wildlife; ~~and~~ and for those species defined by state or federal resource agencies, including threatened or endangered species;

Section 2. Section 18.12.030 of the Gig Harbor Municipal Code is hereby amended to read to read as follows:

18.12.030 Definitions

11. "Fish and wildlife habitat areas" means ~~those sites or areas identified which, in a natural state, serve as an important habitat for locally important species, including, but not limited to, riparian ecosystems; naturally occurring ponds under 20 acres, areas in which rare, threatened or endangered species have a primary association; commercial and recreational shellfish areas as identified by the state Department of Fisheries or the Coastal Zone Atlas for Pierce County; kelp and eelgrass beds as identified in the Coastal Zone Atlas for Pierce County or the Puget Sound Environmental Atlas. those areas identified as being of critical importance in the maintenance and preservation of fish, wildlife and natural vegetation including waters of the state, and as further identified in Section 18.12.090 of this chapter.~~

Section 3. Section 18.12.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

18.12.040 Applicability.

A. Critical Area Review. All development proposals in critical areas, whether on public or private property, shall comply with the requirements of this chapter. The planning director or his/her designee shall utilize the procedures and rules established in the city of Gig Harbor environmental policy ordinance, Chapter 18.04 (Environmental Review (SEPA)) and the applicable provisions of Title 19 of the Gig Harbor Municipal Code, to implement the provisions of this chapter., ~~d~~Development proposals include any development project which would require any of the following:

C. Appeals. A decision of the planning director to approve, conditionally approve or deny a permit, or any official interpretation in the administration of this chapter may be appealed ~~to the Hearing Examiner in accordance with the procedures established under Title 19 of the Gig Harbor Municipal Code. Such appeal shall be in writing and must be submitted to the city within 10 days of the administration's administrative decision. Appeals shall be considered in accordance with the procedures established in Chapter 17.10 Gig Harbor Municipal Code.~~

Section 4. Section 18.12.110 of the Gig Harbor Municipal Code is hereby amended to read as follows:

D. Appeal of Director's Decision. The decision of the director ~~is appealable to the city hearing examiner in accordance with the provisions of Chapter 17.10 Gig Harbor Municipal Code. An appeal shall be in writing and submitted within 10 days of the date of decision~~ may be appealed in accordance with the procedures established under Title 19 of the Gig Harbor Municipal Code.

Section 5. Section 18.12.140 of the Gig Harbor Municipal Code is hereby amended to read as follows:

18.12.140 Variances from the minimum requirements.

A. Variance applications shall be considered by the city according to variance procedures described in Chapter 17.66 Gig Harbor Municipal Code and shall be processed as a Type III application under the permit processing procedures of Title 19 of the Gig Harbor Municipal Code. ~~except that~~ The required showings for a variance shall be according to this section.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 5/13/96
PASSED BY THE CITY COUNCIL: 6/24/96
PUBLISHED: 7/3/96
EFFECTIVE DATE: 7/8/96

SUMMARY OF ORDINANCE NO. 727

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The full text of this ordinance will be mailed upon request.

DATED this 25 th day of June, 1996.

Mark Hoppen, City Administrator