

**ORDINANCE NO. 892**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADDING TO THE POLICIES ADOPTED BY THE CITY UNDER THE STATE ENVIRONMENTAL POLICY ACT, PROVIDING THE BASIS OF SUBSTANTIVE AUTHORITY IN THE CONDITIONING OR DENYING OF ACTIONS, AS DEFINED IN THE ACT, ADDING THE CITY'S STORM WATER MANAGEMENT ORDINANCE AND A POLICY RELATING TO SCHOOL MITIGATION; AMENDING GIG HARBOR MUNICIPAL CODE SECTION 18.04.220.**

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WHEREAS, RCW 43.21C.060 provides that local government may condition or deny "actions" (as defined in chapter 197-11 WAC) pursuant to the State Environmental Policy Act, as long as the conditions or denials are based on policies identified by the appropriate governmental authority and incorporated into regulations, plans or codes which are formally designated by the local governmental body as possible bases for the exercise of authority under SEPA; and

WHEREAS, in order to condition actions based on impacts to public schools, the City has referred to language on this subject in the City's Comprehensive Plan; and

WHEREAS, the City desires to clearly state both the policy and statutory basis for the imposition of SEPA conditions on actions in the City's SEPA ordinance, which has been codified at chapter 18.04 of the Gig Harbor Municipal Code; and

WHEREAS, the City's SEPA Responsible Official issued a determination that the adoption of this ordinance is exempt from SEPA under WAC 197-11-800(20); and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of November 13<sup>th</sup> and 26<sup>th</sup>, Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 18.04.220 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**18.04.220 SEPA – Policies.**

A. The policies and goals set forth in this chapter are supplementary to ~~those in the existing authorization of~~ the city's existing authority.

B. The city adopts by reference the policies in the following city codes, ordinances, resolutions and plans, as now existing or hereafter amended, as a possible basis for the exercise of substantive authority in the conditioning or denying of proposals:

1. Chapter 43.21C RCW – State Environmental Policy Act.
2. GHMC Title 5 – Business Licenses and Regulations.
3. GHMC Title 6 – Animals.
4. GHMC Title 8 – Health and Safety.
5. GHMC Title 10 -- Vehicles and Traffic.
6. GHMC Title 12 – Streets and Sidewalks.
7. GHMC Title 13 -- Water and Sewers.
8. GHMC Title 15 – Buildings and Construction.
9. GHMC Title 16 – Subdivision.
10. GHMC Title 17 – Zoning.
11. The City of Gig Harbor Comprehensive Plan.
12. The City of Gig Harbor Shoreline Master Program.
13. The City's Six-Year Road Program.

14. The City's Comprehensive Water Plan.
15. The City's Comprehensive Sewer Plan.
16. ~~Traffic Impact Resolution, Council Resolution No. 311.~~
17. Chapter 18.08 GHMC Wetlands Management Ordinance.
18. Chapter 18.12 GHMC – Critical Areas Regulations.
19. City of Gig Harbor Public Works Standards.
20. City of Gig Harbor Stormwater Management Ordinance.

21. The following policy relating to schools: In order to ensure that adequate school facilities are available to serve new growth and development and to ensure that new growth and development provides mitigation for direct impacts on school facilities identified by the school district as a consequence of proposed development, the City may impose school mitigation fees, all as provided in RCW 82.02.020.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

Section 3. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 26th day of November, 2001.

CITY OF GIG HARBOR

  
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 GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
 MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:  
 OFFICE OF THE CITY ATTORNEY:

By:   
 \_\_\_\_\_  
 CAROL A. MORRIS

FILED WITH THE CITY CLERK: 11/7/01  
PASSED BY THE CITY COUNCIL: 11/26/01  
PUBLISHED: 12/5/01  
EFFECTIVE DATE: 12/10/01  
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