

**CITY OF PACIFIC
WASHINGTON**

ORDINANCE NO. 1810

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, ADOPTING OPTION THREE OF THE NATIONAL MARINE FISHERIES SERVICE BIOLOGICAL OPINION TO MEET THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT IN THE PUGET SOUND WATERSHED

WHEREAS, National Marine Fisheries Service issued a Biological Opinion that requires changes to the implementation of the National Flood Insurance Program, administered by the Federal Emergency Management Agency (FEMA), in order to meet the requirements of the Endangered Species Act in the Puget Sound watershed; and

WHEREAS, continued participation in the National Flood Insurance Program requires the City to comply with the Endangered Species Act; and

WHEREAS, FEMA identified three options for compliance with the Biological Opinion:

(1) Adopt the Model Ordinance; (2) Prepare a checklist (community by community approach); and (3) Use a permit by permit showing of compliance (project by project approach); and

WHEREAS, the City Council has determined that it is in the community's interest to continue the City's compliance with the National Flood Insurance Program by adopting Option Three of the Biological Opinion thus regulating development in the Special Flood Hazard Area on a permit by permit basis; and

WHEREAS, the City anticipates a full evaluation of its floodplain regulations in 2012-2013, which will make the City eligible for compliance with option two, the community checklist;

NOW, THEREFORE, THE CITY COUNCIL OF PACIFIC, WASHINGTON, DOES ORDAIN AS FOLLOWS

Section 1. All development in the Special Flood Hazard Area must demonstrate compliance with the Endangered Species Act prior to issuance of a City Floodplain Development Permit.

Section 2. Option Three of the Biological Opinion issued by the National Marine Fisheries Service is hereby adopted to meet the requirements of the Endangered Species Act.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal laws or regulations, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 12TH DAY OF SEPTEMBER, 2011.

CITY OF PACIFIC



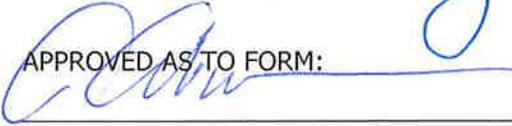
RICHARD HILDRETH, MAYOR

ATTEST/AUTHENTICATED:



JANE MONTGOMERY, CITY CLERK

APPROVED AS TO FORM:



ALBERT A. ABUAN, CITY ATTORNEY

STATE OF WASHINGTON, COUNTY OF KING }
AFFIDAVIT OF PUBLICATION

PUBLIC NOTICE

Linda M Mills, being first duly sworn on oath that she is the Legal Advertising Representative of the

Auburn Reporter

a weekly newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in King County, Washington. The Auburn Reporter has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for King County.

The notice in the exact form annexed was published in regular issues of the Auburn Reporter (and not in supplement form) which was regularly distributed to its subscribers during the below stated period. The annexed notice, at:

Public Notice

was published on September 16, 2011.

The full amount of the fee charged for said foregoing publication is the sum of \$81.52.

Linda M Mills
Linda M. Mills

Legal Advertising Representative, Auburn Reporter
Subscribed and sworn to me this 16th day of September, 2011.

Kathy Dalseg
Kathy Dalseg, Notary Public for the State of Washington, Residing in Covington, Washington
P. O. Number:

SUMMARY OF ORDINANCES NO. 1810

City of Pacific, Washington
On the 12th day of September, 2011, the City Council of the City of Pacific, Washington, passed Ordinance No. 1810. A summary of the content of said ordinances, consisting of their titles, provides as follows:

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The full text of these ordinances will be mailed upon request, in accordance with the City's fee schedule.

Dated the 12th, day of September, 2011
Jane Montgomery, City Clerk
Published in Auburn Reporter on September 16, 2011. #526464.

