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
Public Notice

The annual notice to the Taxable Owners of the Water Service Districts for the period of
the 2021-2022 Fiscal Year is hereby given.

The annual report of the Auditors will be published in the local newspapers on September 16th, 2021.

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