

ORDINANCE NO. 1359

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING INTERIM DEVELOPMENT REGULATIONS RELATING TO DEVELOPMENT IN SPECIAL FLOOD HAZARD AREA ZONES V AND VE; MAKING FINDINGS OF FACT; ADOPTING FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REQUIREMENTS FOR SPECIAL FLOOD HAZARD AREA ZONES V AND VE AS SET FORTH IN 44 CFR 60.3(e) IN ORDER TO MAINTAIN ELIGIBILITY FOR FLOOD INSURANCE THROUGH THE FEDERAL NATIONAL FLOOD INSURANCE PROGRAM; SETTING A PUBLIC HEARING FOR MARCH 27, 2017, IN ORDER TO TAKE PUBLIC TESTIMONY REGARDING THE INTERIM DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Federal Emergency Management Agency (FEMA) requires the adoption of floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3 (e) of the National Flood Insurance Program (NFIP) regulations; and

WHEREAS, FEMA has prepared a scientific and engineering report entitled "The Flood Insurance Study for Pierce County, and Incorporated Areas" dated March 7, 2017 with an accompanying Flood Insurance Rate Map (FIRM); and

WHEREAS, the FEMA FIRM dated March 7, 2017 for the city of Gig Harbor was revised to include Special Flood Hazard Area Zones V and VE; and

WHEREAS, the city's current Flood Hazard Construction Standards do not include requirements applicable to the Zones V and VE; and

WHEREAS, the city of Gig Harbor must adopt floodplain management measures that meet or exceed the minimum NFIP requirements by March 7, 2017 to avoid suspension from the NFIP; and

WHEREAS, the City Council may adopt development regulations for a period of up to six months as long as the City Council holds a public hearing on the proposed regulations within sixty days after passage of the ordinance (RCW 35A.63.220, RCW 36.70A.390); and

WHEREAS, the Gig Harbor City Council has determined that an emergency exists which necessitates that this ordinance be enacted as a new interim development regulation on an emergency basis in order to preserve the public health, safety, and welfare and maintain eligibility for flood insurance through the federal National Flood Insurance Program;

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

Section 1. Findings. The recitals set forth above are hereby adopted as the Gig Harbor City Council's findings in support of the interim development regulations imposed by this ordinance. The Gig Harbor City Council may, in its discretion, adopt additional findings after conclusion of the public hearing referenced in Section 3 below.

Section 2. Interim Development Regulations. Section 18.10.070 of the Gig Harbor Municipal Code is hereby revised to add the following new subsection O.

O. V and VE Zones. In addition to the preceding requirements, all applicable requirements of the building performance standards contained in 44 CFR Subsection 60.3(e) are hereby adopted by reference and incorporated herein and shall apply to all new encroachments, including fill, construction, substantial improvements and other development.

Section 3. Public Hearing. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council hereby sets a public hearing for March 27, 2017, at 5:30 p.m. or as soon thereafter as the matter may be heard in order to take public testimony on the amendments adopted by this ordinance. The City Council may, in its discretion, adopt additional findings justifying the interim development regulations after the close of the hearing.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be 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 5. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

Section 6. Effective Period for Interim Regulations. The interim development regulations adopted by this ordinance shall remain in effect for a period of six months, and shall automatically expire unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220 prior to expiration, or unless the same are repealed or superseded by permanent regulations prior to expiration.

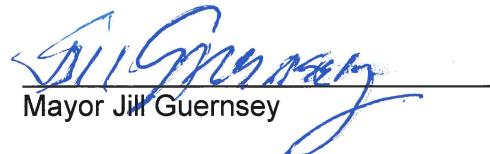
Section 7. Declaration of Emergency. The Gig Harbor City Council hereby finds and declares that an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare.

Section 8. Publication. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

Section 9. Effective Date. This ordinance shall take effect immediately upon passage by a majority vote plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 6th day of March, 2017.

CITY OF GIG HARBOR



Mayor Jill Guernsey

ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Angela G. Summerfield

FILED WITH THE CITY CLERK: 03/02/17
PASSED BY THE CITY COUNCIL: 03/06/17
PUBLISHED: 03/09/17
EFFECTIVE DATE: 03/06/17
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