

CITY OF GIG HARBOR
ORDINANCE NO. 611

AN ORDINANCE AMENDING TITLE 18 OF THE GIG HARBOR MUNICIPAL CODE ADOPTING A NEW CHAPTER 18.08 FOR THE INTERIM MANAGEMENT AND REGULATION OF WETLANDS WITHIN THE CITY OF GIG HARBOR AND WHICH FURTHER IMPLEMENTS THE REQUIREMENTS UNDER THE GROWTH MANAGEMENT ACT, CHAPTER 36.70A, FOR THE PROTECTION OF WETLANDS AS CRITICAL AREAS.

WHEREAS, wetlands are deemed valuable and important natural areas which, in their natural state, provide many benefits to the public; and,

WHEREAS, wetlands can serve a natural controls to flooding and stormwater runoff by storing and regulating natural surface flow and also can provide areas suitable for groundwater recharge; and,

WHEREAS, wetlands provide habitat for many species of fish, wildlife and vegetation, many of which are dependent on wetlands for their survival; and,

WHEREAS, the City of Gig Harbor Planning Commission has extensively reviewed and considered policies and regulations for the management and regulations of wetlands within the City of Gig Harbor and has conducted 10 public meetings and one public hearing on a interim wetlands management ordinance; and,

WHEREAS, the Planning Commission has recommended has transmitted to the City Council a letter of its findings for the adoption of the interim wetlands management ordinance; and,

WHEREAS, the Interim Wetland Management Ordinance (New Title 18.08) implements the policies of the State Growth Management Act, the State Environmental Act, and the City of Gig Harbor Comprehensive Plan and promotes the public health, welfare and interest.

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1 A new Chapter 18.08 is hereby adopted to read as follows:

CHAPTER 18.08

CITY OF GIG HARBOR WETLAND MANAGEMENT REGULATIONS

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18.08.010 Purpose.

This document contains guidelines, criteria, standards and requirements designed to analyze and mitigate potential impacts to City of Gig Harbor's wetland resources. The intent of these regulations is to avoid where possible, or in appropriate circumstances, to minimize, rectify, reduce or compensate for impacts arising from land development and other activities affecting wetlands. This document also contains planning and

implementation requirements for submission and approval of wetland mitigation projects.

18.08.020 Goal.

The general goal of these regulations is to avoid impacts to wetlands where such avoidance is feasible and reasonable. Where such impacts are unavoidable, the standards of this ordinance seek to minimize impacts on wetlands as a result of land development by:

1. Maintaining and enhancing the biological and physical functions and values of wetlands.
2. Maintaining the natural value of wetlands to control flooding and stormwater runoff through the storage and regulation of natural flow.
3. Maintaining the habitat value of wetlands for the many species of fish, wildlife and vegetation which are dependent upon wetlands for their survival.
4. Providing open space and visual relief from intense development within the urban area.
5. Providing opportunities for recreation, scientific study and natural resources education.
6. Providing for reasonable buffers around wetlands in order to stabilize soil, filter suspended solids and excess nutrients, moderate impacts from stormwater runoff, provide a local habitat for wetland plant and animal communities, and to reduce or minimize intrusions from humans and domestic animals.
7. Implement the goals, objectives and policies of the State of Washington Growth Management Act, the State Environmental Policy Act, the City of Gig Harbor Comprehensive Land Use Plan and the City of Gig Harbor Environmental Policy Ordinance.
8. Promote and protect the public's health, safety, welfare and interest in maintaining and protecting wetlands as a valuable natural resource.
9. Protecting private property rights by allowing for a reasonable use of property where wetlands are present.

18.08.030 Definitions.

For purposes of this chapter, the following definitions shall apply:

- A. "Alteration" means any activity which materially affects the existing condition of land or improvements.
- B. "Applicant" means the person, party, firm, corporation, or other legal entity that proposes any activity. The applicant is either the owner of the land on which the proposed activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such a person.
- C. "City" means The City of Gig Harbor
- D. "Clearing" means the removal of timber, brush, grass, ground cover or other vegetative matter from a site which exposes the earth's surface of the site.
- E. "Compensatory Mitigation" means mitigation for wetland losses or impacts resulting from alteration of wetlands and/or their buffers. It includes, but is not limited to, creation, enhancement and restoration.
- F. "Creation" means the producing or forming of a wetland through artificial means from an upland (non-wetland) site.
- G. "Department" means the City of Gig Harbor Department of Community Development.
- H. "Designated Wetland" means those lands identified through the classification process established by this chapter.
- I. "Development" means alteration (See definition for Alteration).
- J. "Earth/Earth Material" means naturally occurring rock, soil, stone, sediment, organic material, or combination thereof.
- K. "Enhancement" means actions performed to improve the condition of existing degraded wetlands and/or buffers so that the functions they provide are of a higher quality (e.g., increasing plant diversity, increasing wildlife habitat, installing environmentally-compatible erosion

controls, removing nonindigenous plant or animal species, removing fill material or garbage).

- L. "Erosion" means the wearing away of the earth's surface as a result of the movement of wind, water, or ice.
- M. "Excavation" means the mechanical removal of earth material or fill.
- N. "Existing and Ongoing Agricultural Activities" means those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including but not limited to operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. Activities which bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be on going when the area on which it was conducted has been converted to a non-agricultural use or has lain idle both more than five years and so long that modifications to the hydrological regime are necessary to resume operations, unless the idle land is registered in a federal or state soils conservation program.
- O. "Fill/Fill Material" means a deposit of earth material, placed by human or mechanical (machine) means, and which is not defined as solid waste according to RCW 70.95.
- P. "Filling" means the act of placing fill material on any surface.
- Q. "Floodplain Development Permit" means the permit required by the City of Gig Harbor Flood Hazard Construction Ordinance.
- R. "Grading" means any excavating, filling, clearing, leveling, or contouring of the ground surface by human or mechanical means.
- S. "Grading Permit" means the permit required by the City of Gig Harbor Grading and Clearing Ordinance.
- T. "In-Kind Mitigation" means to replace wetlands with substitute wetlands whose characteristics and functions and values are intended to replicate those destroyed or degraded by a regulated activity.

- U. "Mitigation" means to avoid, minimize, or compensate for adverse wetland impacts.
- V. "Out-of Kind Mitigation" means to replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.
- W. "Permanent Erosion Control" means continuous on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity or pollutants after development, construction, or restoration.
- X. "Person" means an individual, firm, co-partnership, association or corporation.
- Y. "Restoration" means the reestablishment of a viable wetland from a previously filled or degraded wetland site.
- Z. "Significant Impact" means a meaningful change or recognizable effect to the ecological function and value of a wetland, which is noticeable or measurable, resulting in a loss of wetland function and value.
- AA. "Single family Residence" or "Dwelling" means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings, including mobile homes, as defined in the City of Gig Harbor Zoning Code (Section 17.04.300.305.).
- BB. "Site" means any parcel or combination of contiguous parcels, or right-of-way or combination of contiguous rights-of-way under the applicant's ownership or control where the proposed project impacts a wetland(s).
- CC. "Slope" means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.
- DD. "Stockpiling" means the placement of material with the intent to remove at a later time.
- EE. "Substrate" means the soil, sediment, decomposing organic matter or combination of those located on the bottom surface of the wetland.

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FF. "Utility Line" means pipe, conduit, cable or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, gas and communications.

GG. "Wetland" or "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, retention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands include those wetlands intentionally created to mitigate conversion of wetlands.

HH. "Wetland Buffer Zone" means a designated area contiguous or adjacent to a wetland that is required for the continued maintenance, function, and structural stability of the wetland. Functions of a buffer include shading, input of organic debris and coarse sediments, uptake of nutrients, stabilization of banks, protection from intrusion, or maintenance of wildlife habitat. For further information on permitted uses, see Section 18.08.120.

II. "Wetland Class" means the U.S. Fish and Wildlife Service wetland classification scheme using an hierarchy of systems, subsystems, classes and subclasses to describe wetland types (refer to USFWS, December 1979, Classification of Wetlands and Deepwater Habitats of the United States for a complete explanation of the wetland classification scheme). Eleven class names are used to describe wetland and deepwater habitat types. These include: forested wetland, scrub-shrub wetland, emergent wetland, moss-lichen wetland, unconsolidated shore, aquatic bed, unconsolidated bottom, rock bottom, rocky shore, streambed, and reef.

JJ. "Wetland Specialist" is a person with a minimum of a four-year degree in wildlife sciences, biology, environmental sciences, soil science, limnology or an equivalent academic background who also has experience in performing wetland delineations, analysis of wetland functions and values and project impacts, and wetland

mitigation and restoration techniques. The person must be familiar with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, City of Gig Harbor Grading and Clearing Ordinance, and the City of Gig Harbor Wetlands Management Ordinance.

18.08.040 Wetland Classification Guidelines/Ratings.

A wetland rating and classification shall be established based upon the completion of a delineation report prepared by a wetland specialist to determine boundary, size, function and value. Guidelines for preparing a wetland delineation report are defined in Section 18.08.070 and the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as now or hereafter amended.

A. Wetlands shall be classified as Category I, II, III, IV and V, in accordance with the following criteria:

Category I

- a. Documented habitat for endangered or threatened plant, fish or animal species or for potentially extirpated plant species recognized by state or federal agencies; or
- b. High quality native wetland communities, including documented category I or II quality natural heritage wetland sites and sites which qualify as a category I or II quality natural heritage wetland; or
- c. High quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, estuarine wetlands, or mature forested swamps; or

Category II

- a. Regulated wetlands that do not contain features outlined in category I; and
- b. Documented habitats for sensitive plant, fish or animal species recognized by federal or state agencies; or
- c. Regionally rare wetland communities which are not high quality, but which have irreplaceable ecological functions, including sphagnum bogs and fens, estuarine wetlands, or mature forested swamps; or

- d. Wetland types with significant functions which may not be adequately replicated through creation or restoration. These wetland may be demonstrated by the following characteristics:
 - 1) Significant peat systems; or
 - 2) Forested swamps that have three canopy layers, excluding monotypic stands of red alder averaging eight inches diameter or less at breast height; or
 - 3) Significant spring fed systems; or
- e. Wetlands with significant habitat value based on diversity and size, including wetlands which are:
 - 1) Ten acres or greater in size; and two or more wetland classes together with open water at any time during a normal year; or
 - 2) Ten acres or greater in size; and three or more wetland classes; and five or more subclasses of vegetation in a dispersed pattern; or
 - 3) Five acres or greater in size; and forty to sixty percent open water at any time during a normal year; and two or more subclasses of vegetation in a dispersed pattern; or
- f. Regulated wetlands which are contiguous with both year-round and intermittent salmonid fish-bearing waters; or
- g. Wetlands with significant use by fish and wildlife.

Category III

Regulated wetlands that do not contain features outlined in category I, II or IV.

Category IV

- a. Regulated wetlands which do not meet the criteria of a category I or II wetland; and

- b. Hydrologically isolated wetlands that are less than or equal to one acre in size, and have only one wetland class, and have only one dominant plant species (monotypic vegetation).

Category V Criteria

- a. All streams designated as Type 3-5 waters by the Department of Natural Resources, Forest Practices Rules and Regulations pursuant to WAC 222.16.020 and .030

18.08.050 Regulated Activities.

- A. Unless specifically exempted by Section 18.08.060, the following activities in a wetland and/or its associated buffer shall be regulated pursuant to the requirements of this Chapter. The regulated activities are as follows:

1. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind.
2. Dumping, discharging or filling with any material.
3. Draining, flooding or disturbing the water level or water table.
4. Constructing, reconstructing, demolishing or altering the size of any structure or infrastructure except repair of an existing structure or infrastructure, where the existing square footage or foundation footprint is not altered.
5. Destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading or planting vegetation that would alter the character of a wetland.
6. Activities from construction or development that result in significant, adverse changes in water temperature, physical or chemical characteristics of wetland water sources, including quantity and pollutants;

- B. Activities listed in subsection A. above which do not result in alteration in a wetland and/or its associated buffer, may require fencing along the outside perimeter of the buffer or erosion control measures as provided in Section 18.08.160.B. of this Chapter.

18.08.060 Exemptions.

The following activities shall be exempt from the provisions of this Chapter:

- A. Existing and ongoing agricultural activities, as defined in this Chapter.
- B. Forestry practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practice regulations.
- C. Activities affecting a wetland, if the functional wetland size is less than 2,500 square feet, except that such activities shall comply with the City of Gig Harbor Flood Hazard Construction Code and the City of Gig Harbor Storm Drainage Management Plan.
- D. Maintenance, operation and reconstruction of existing roads, streets, utility lines and associated structures, provided that reconstruction of any such facilities does not extend outside the scope of any designated easement or right-of-way.
- E. Activities on improved roads, rights-of-way, easements, or existing driveways.
- F. Normal maintenance and reconstruction of structures, provided that reconstruction may not extend the existing ground coverage.
- G. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities.
- H. Activities having minimal adverse impacts on wetlands, such as passive recreational uses, sport fishing or hunting, scientific or educational activities.

- I. Activities and developments which are subject to the policies and standards and subject to review pursuant to the State Shoreline Management Act and the City of Gig Harbor Shoreline Master Program.
- J. Emergency actions which must be undertaken immediately or for which there is insufficient time for full compliance with this chapter where necessary to:
 - (1) prevent an imminent threat to public health or safety; or
 - (2) prevent an imminent danger to public or private property; or
 - (3) prevent an imminent threat of serious environmental degradation.

The Department shall determine on a case-by-case basis emergency action which satisfies the general requirements of this subsection.

In the event a person determines that the need to take emergency action is so urgent that there is insufficient time for review by the Department, such emergency action may be taken immediately. The person undertaking such action shall notify the Department within one working day of the commencement of the emergency activity. Following such notification the Department shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the Department determines that the action taken or part of the action taken is beyond the scope of allowed emergency action, enforcement action according to provisions of this chapter is warranted.

18.08.070 Permitting Process.

- A. Overview: Inquiries regarding conduct of a regulated activity in a wetland can be made to the City of Gig Harbor Planning Department. The Department shall utilize the National Wetlands Inventory (NWI) maps and the Department of Natural Resources Stream Type maps to establish general location of wetland sites. If the maps indicate the presence of a wetland, a wetland delineation report shall be filed, unless the Department determines that a wetland is not on or within the site. This determination may be based on information provided by the applicant and from other sources. If the map does not indicate the presence of a

wetland or wetland buffer zone within the site, but there are other indications that a wetland may be present, the Department shall determine whether a wetland analysis report is required.

- B. Permit Requirements: No separate application or permit is required to conduct regulated activities within a wetland or its associated buffer. The department shall utilize existing environmental review procedures, City of Gig Harbor SEPA Ordinance, Chapter 18, to assess impacts to wetlands and impose required mitigation. Department review of proposed alterations to wetlands and buffer areas and a mitigation plan may be required prior to issuance of a SEPA determination by the City of Gig Harbor responsible official.
- C. This chapter applies to all regulated activities, public or private, which will occur within wetlands, including but not limited to, the following:
 1. Building, grading, filling, special and sanitary sewer permits;
 2. Subdivisions, short plats, and planned unit developments;
 3. Site plan approvals, variance and conditional use permits;
 4. Any activity which is not categorically exempt within the environmental review procedures of the State Environmental Policy Act for environmentally sensitive areas, pursuant to WAC 197-11-908, and the City of Gig Harbor SEPA Ordinance, Chapter 18.
- D. Prior to submittal of a wetland delineation report, recommendation on wetland category, proposed alterations to wetlands and buffer areas, or mitigation plan, the Department may require a prefiling conference with the applicant. The purpose of the conference is to determine the materials which must be submitted, timing of submittals and to provide additional information.
- E. Request for Official Determination: A request for an official determination of whether a proposed use or activity at a site is subject to this chapter must be in writing and made to the City of Gig Harbor Office of Community Development. The request can be accompanied by a SEPA

environmental checklist. The request shall contain plans, data and other information in sufficient detail to allow for determination, including a wetland delineation report. The applicant shall be responsible for providing plans and the wetland delineation report to the Department. Upon review of the submitted material and within forty-five (45) days of submittal, the Department shall request any additional information it determines necessary to properly evaluate the wetland delineation, functions and values, proposed mitigation and other information related to wetlands associated with the proposal.

- F. A wetland analysis report shall be submitted to the Department for review of a proposal for activity which lies within a wetland, or within 150 feet of a wetland. The purpose of the wetland analysis report is to determine the extent and function of wetlands to be impacted by the proposal.
- G. Preliminary Site Inspection: Prior to conducting a wetland analysis report, the applicant may request that the Department conduct a preliminary site inspection to determine if a wetland may be present on the proposal site. Upon receipt of the appropriate fee, the Department shall make a site inspection. If the Department determines that a wetland is not on the site, this shall be indicated to the applicant in writing, and a wetland analysis report shall not be required.
- H. Prior to submittal of the wetland analysis report, boundaries of wetlands 2,500 square feet or more, shall be staked and flagged in the field by a wetland specialist. Field flagging shall be distinguishable from other survey flagging on the site.
- I. If alteration of a wetland or buffer is proposed, a wetland mitigation plan shall be required to be submitted pursuant to requirements of this Chapter, subsequent to staff review of the wetland analysis report. In no event will a mitigation plan be required prior to a determination of whether a designated wetland is present on a site.

18.08.080 Administration.

- A. Filing Fees: A wetland regulatory processing fee in an amount established under the City's Development Fee Ordinance, Chapter 3, shall be paid at the time of a request for official determination of whether a proposed use or

activity at a site is subject to this Chapter. The fee shall be paid prior to administrative review, including environmental review. It shall include all costs of administrative and environmental review, including the preliminary site inspection, and review and approval of a wetland analysis report. It shall be in addition to any other fees for environmental assessment and environmental impact review, provided by the City of Gig Harbor Environmental Policy Ordinance, Title 18.

B. Notice and Title:

1. Notice: Upon submission of a complete application for a wetland development approval, notice shall be provided in accordance with the City of Gig Harbor Zoning Code for site plan review for notification of property owners within 300 feet of the subject property.
2. Notice on Title: The owner of any property with field verified presence of wetland or wetland buffer on which a development proposal is submitted shall file for record with the Pierce County Auditor a notice approved by the Department in a form substantially as set forth below. Such notice shall provide notice in the public record of the presence of a wetland or wetland buffer, the application of this ordinance to the property, and that limitations on actions in or affecting such wetlands and their buffers may exist. The notice shall be notarized and shall be recorded prior to approval of any development proposal for such site. The notice shall run with the land and shall be in the following form:

WETLAND AND/OR WETLAND BUFFER NOTICE

Legal Description:

Present Owner: _____

NOTICE: This property contains wetlands or their buffers as defined by City of Gig Harbor Ordinance. Restrictions on use or alteration of the wetlands or their buffers may exist due to natural conditions of the property and resulting regulations.

Date	Signature Owner
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C. Other Laws and Regulations: No approval granted pursuant to this ordinance shall remove an obligation to comply with the applicable provisions of any other federal, state or local law or regulation.

D. Atlas: As part of its review, the Department shall include the appropriately designated wetland in the Pierce County Wetlands Atlas or in the City of Gig Harbor Wetland Atlas, as may be adopted.

18.08.090 Wetland Analysis Report Requirements.

A. A wetland analysis report shall be prepared by a qualified wetland specialist and submitted to the Department as part of the SEPA review process established by the City of Gig Harbor Environmental Policy Ordinance, Chapter 18. In any case in which a land use application is submitted prior to a determination that a wetland analysis report is required, the wetland analysis report shall be submitted to the Department and distributed by the Department to appropriate reviewing agencies for environmental review.

B. The wetland analysis report shall be prepared in accordance with the Uniform Federal Methods for Wetland Delineation and submitted to the Department for review for any proposals that are within 150 feet of a wetland.

C. Within thirty (45) days of receipt of the wetland analysis report and other information, the Department shall determine the appropriate wetland category, buffering requirement, and

required mitigation. The report shall be accorded substantial weight and the department shall approve the report's findings and proposals, unless specific, written reasons are provided which justify not doing so. Once accepted, the report shall control future decision-making related to designated wetlands unless new information is found demonstrating the report is in error.

18.08.100 Buffer Areas.

A. Following the Department's determination of the Category for a wetland associated with a proposal, the Department shall determine appropriate buffer widths. Wetland buffer zones shall be evaluated for all development proposals and activities adjacent to wetlands to determine their need to protect the integrity, functions and values of the wetland. All wetland buffer zones are measured perpendicular from the wetland edge as marked in the field. Except as otherwise permitted by this Chapter, they shall consist of an undisturbed area of native vegetation and existing non-native vegetation. The following maximum buffer widths are required:

<u>Wetland Category</u>	<u>Buffer Width</u>
Category I	150 Feet
Category II	100 Feet
Category III	50 Feet
Category IV	25 Feet
Category V (as measured from ordinary high water)	Type 3 waters - 35 feet Type 4 waters - 25 feet Type 5 waters - 15 feet

B. Landscape buffering between the wetland boundary and the building setback will be evaluated. If it is determined that such uses could cause secondary impacts to the wetlands, a maximum 15 feet setback may be imposed.

18.08.110 Alteration of Buffers.

Alteration of a buffer may occur in two ways:

1. Quantitative alteration, in which the boundaries of the designated buffer area are adjusted, so that the actual area within the buffer is altered from the parameters of section 18.08.110.A; and
2. Qualitative alteration, in which permitted activities within the buffer area alter its character. In determining appropriate buffer alterations, quantitative and qualitative alterations are generally reviewed concurrently.

A. Buffer zones may be modified under the following conditions (quantitative alteration):

1. Buffer width reductions shall be considered on a case-by-case basis to take varying values of individual portions of a given wetland into consideration. Reductions may be allowed where the applicant demonstrates to the Department that the wetland contains variations in sensitivity due to existing physical characteristics and that reducing the buffer width would not adversely effect the wetland functions and values, and the minimum buffer shall not be less than 50% of the widths established in 18.12.100
2. Buffer widths may be increased by the Department on a case-by-case basis provided that the maximum buffer for Category II or III wetlands shall not exceed 100 feet.
3. The Department may require increased buffer width when a larger buffer is necessary to protect wetland functions and values based on local conditions. This determination shall be reasonably related to protection of the functions and values of the regulated wetland. Such determination shall demonstrate that:
 - a. A larger buffer is necessary to maintain viable populations of existing species; or
 - b. The wetland is used by species listed by the federal government or the state as endangered, threatened, sensitive or as documented priority or species or habitats, or essential or outstanding

potential sites such as heron rookeries or raptor nesting areas; or

- c. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impact; or
- d. The adjacent land has minimal vegetative cover or slopes greater than fifteen percent.

B. Alteration or character of buffer (qualitative alteration):

- 1. Qualitative alteration of buffer for Categories II and III wetlands shall be allowed when it is demonstrated that modification of the existing character of the buffer would not reduce the functions and values of the wetland, and
- 2. That the alteration does not include structures associated with the development unless identified in Section 2, i.e. wells and associated access, and
- 3. No net loss of wetland acreage due to the alteration occurs.

18.08.120 Permitted Uses in Buffer Areas.

The following activities are permitted within the wetland buffer:

- A. Wells and necessary appurtenances including a pump and appropriately sized pump house, including a storage tank, may be allowed on each site in a wetland buffer if all the following conditions are met:
 - 1. The well is either an individual well (serving only one residence) or a Class B well (a maximum of fifteen connections including necessary storage tanks).
 - 2. For Category I and II wetlands, the minimum distance from the well and appurtenances to the wetland edge is no less than fifty percent of the buffer widths established in the table in Section 18.08.110. A decrease in the required buffer width through buffer width averaging or other means does not indicate a corresponding decreased distance is allowed from the wetland edge to the well and appurtenances.
 - 3. Access to the well and pump house shall be allowed.

- B. Pervious trails and associated viewing platforms, provided that, in the case of Category I wetlands, the minimum distance from the wetland edge is no less than fifty percent of the Category I buffer width established in the table in Section 18.08.100. A decrease in the required buffer width through buffer width averaging or other means does not indicate a corresponding decreased distance from a Category I wetland edge for trails and viewing platforms.
- C. The placement of underground utility lines, on-site septic drainfields meeting the requirements of the Pierce County Health code, and grass-lined swales and detention/retention facilities for water treated by biofiltration or other processes prior to discharge, provided the minimum distance from the wetland edge is no less than fifty percent of the buffer widths established in the table in Section 18.08.100.
- D. Placement of access roads and utilities across Category II, III and V wetland-buffers, if the Department determines that there is no reasonable alternative location for providing access and/or utilities to a site.

18.08.130 Alteration of Wetlands.

Alteration of Category I wetlands is prohibited.

18.08.140 Sequence of Mitigation Actions.

- A. Alteration of Category II, III, IV and V wetlands may be allowed when all significant adverse impacts to wetland functions and values can be shown to be fully mitigated. Criteria to be considered by the applicant or the property owner are:
 1. Avoiding the impact altogether by not taking a certain action or parts of actions.
 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
 4. Compensating for the impact by replacing or providing substitute resources or environments.

Mitigation may include a combination of the above measures and may occur concurrently, unless a phased schedule is agreed.

18.08.150 Mitigation Plan Submittal Requirements.

- A. Following submittal of any proposed alterations to wetland and buffer areas, the applicant shall submit to the Department a wetland mitigation plan substantially in the following form:
 1. Conceptual Phase. A conceptual compensatory mitigation plan shall be submitted to the Department. In cases in which environmental review is required, a threshold determination may not be made prior to Department review of the conceptual mitigation plan. The conceptual mitigation plan shall include:
 - a. General goals of the compensatory mitigation plan, including an overall goal of no net loss of wetland function and acreage, and to strive for a net resource gain in wetlands over present conditions.
 - b. A review of literature or experience to date in restoring or creating the type of wetland proposed.
 - c. Approximate site topography following construction.
 - d. Location of proposed wetland compensation area.
 - e. General hydrologic patterns on the site following construction.
 - f. Nature of compensation, including wetland types (in-kind and out-of-kind), general plant selection and justification, approximate project sequencing and schedule, and approximate size of the new wetland buffer.
 - g. A conceptual maintenance plan.
 - h. Conceptual monitoring and contingency plan.
 2. Detailed Phase. Following approval of the conceptual mitigation plan by the Department, a detailed

mitigation plan shall be submitted to the Department. The detailed plan shall contain, at a minimum, the following components, and shall be consistent with the standards in Sections 18.08.180 and 18.08.190:

- a. Text and map of the existing condition of the proposed compensation area, including:
 1. Existing vegetation community analysis;
 2. Hydrological analysis, including topography, of existing surface and significant sub-surface flows into and out of the area in question;
 3. Soils analysis providing both Soil Conservation Service mapping and data provided by on-site verified determinations;
 4. Detailed description of flora and fauna existing on the site;
 5. Description of existing site conditions in relation to historic conditions for those sites which have been recently altered or degraded.
- b. Text and map of the proposed alterations to the compensation area, including:
 1. Relationship of the project to the watershed and existing water bodies.
 2. Topography of site using one foot contour intervals.
 3. Water level data, including depth and duration of seasonally high water table.
 4. Water flow patterns.
 5. Grading, filling and excavation, including a description of imported soils.
 6. Irrigation requirements, if any.
 7. Water pollution mitigation measures during construction.

8. Aerial coverage of planted areas to open water areas (if any open water is to be present).
9. Appropriate buffers.

The compensation plan shall include detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations which are appropriate for the desired habitat type(s) and which provide sufficient tidal prism and circulation data.

- c. As part of the compensation plan, a landscaping plan shall be designed by a registered landscape architect or contractor working with a wetland scientist/ ecologist, describing what will be planted where and when. The landscape plan shall include the following:
 1. Soils and substrate characteristics.
 2. Specification of substrate stockpiling techniques.
 3. Planting instructions, including species, stock type and size, density or spacing of plants, and water and nutrient requirements.
 4. Specification of where plant materials will be procured. Documentation shall be provided which guarantees plant materials are to be procured from licensed regional nurseries, or from wetlands on site which are part of the mitigation plan.
- d. A schedule shall be provided showing dates for beginning and completing the mitigation project, including a sequence of construction activities.
- e. A monitoring and maintenance plan, consistent with Section 18.08.190 of this Chapter. The plan shall include all the following:

1. Specification of procedures for monitoring and site maintenance.
2. A schedule for submitting monitoring reports to the Department.
- f. A contingency plan, consistent with Section 18.08.190 of this Chapter.
- g. A detailed budget for implementation of the mitigation plan, including monitoring, maintenance and contingency phases.
- h. A guarantee that the work will be performed as planned and approved, consistent with Section 18.08.190 of this Chapter.
- i. The mitigation plan shall be signed by the wetland specialist to indicate that the plan is according to specifications determined by the wetland specialist. A signed original mitigation plan shall be submitted to the Department.
3. Approval of the detailed mitigation plan shall be signified by a notarized memorandum of agreement signed by the applicant and Director of the Department, and recorded with the Pierce County Auditor. The agreement shall refer to all mitigation requirements for the project.
4. Approval of the detailed mitigation plan shall occur prior to the issuance of building permits or other development permits. No development activity shall occur on the site prior to approval. Required mitigation may also be required prior to issuance of permits or prior to commencing development activity. Timing of required mitigation shall be determined on a case by case basis.

18.08.160 Criteria for Compensatory Mitigation/Location
Criteria and Timing of Compensatory Mitigation.

The applicant shall develop a plan that provides for construction, maintenance, monitoring and contingencies of the replacement wetland. In addition, the applicant and landowner shall meet the following criteria:

- A. The restored, created, or enhanced wetland shall be as persistent as the wetland it replaces.
- B. The applicant shall demonstrate sufficient capability to carry out the compensation project.
- C. The compensation area shall be provided with permanent protection and management to avoid further development or degradation and to provide for the long term persistence of the compensation area as designed.

In cases in which it is determined that compensatory mitigation is appropriate, the following shall apply:

- A. Compensatory mitigation shall be provided on-site, except where on-site mitigation is not scientifically feasible or practical due to physical features of the site. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on-site.
- B. When compensatory mitigation cannot be provided on-site, mitigation shall be provided in the immediate vicinity of and within the same watershed as the permitted activity.
- C. Compensatory mitigation shall duplicate the overall values and standards of the wetland to be replaced and shall include at 50% in-kind compensation mitigation unless it can be demonstrated by the applicant that the overall wetland values of the mitigation area and adjacent or connecting wetlands can be enhanced by a higher percentage of out-of-kind mitigation.
- D. Only when it is determined by the Department that A, B and C above are inappropriate and/or impractical shall off-site, compensatory mitigation be considered.
- E. Mitigation projects shall be completed concurrent with other activities on the site, unless a phased schedule is agreed upon between the Department and the applicant.

Refer to Section 18.08.180 of this Chapter for guidelines on determining wetland acreage replacement ratios.

18.08.170 Wetland Replacement Criteria.

- A. Where wetlands are altered, the applicant shall meet the minimum requirements of this section.
- B. When it is proposed to alter or eliminate a wetland and the Department is considering the alteration or elimination, the applicant shall be required to replace or preferably enhance the functional and biological values of the affected wetland. The wetland values will be based on an approved evaluation procedure such as Wetlands Evaluation Technique (WET), Habitat Evaluation Procedure (HEP) etc. A reduction in overall wetland acres is allowed if the conditions in Section E are met. The recommended ratios for replacement/compensation are as follows:

Category I: (No Alteration or Replacement)

Category II :

Forested:	2:1
Scrub/Shrub:	1.5:1
Emergent:	1:1
Open water:	1:1

Category III:

Forested:	1.5:1
Scrub/Shrub:	1:1
Emergent:	1:1
Open Water:	1:1

Category IV: 1:1

Note that within Category II and III wetlands replacement ratios vary depending on wetland class. For example, it will be required to replace the forested portion of a wetland at a higher ratio than the other portions of the wetland.

- C. Ratios provided are for proposed projects with on-site, in-kind replacement which occurs prior to development of the site. Replacement ratio for unauthorized wetland elimination requires resurface at a ratio two times that listed for the wetland categorical type. The increased ratio is based on the uncertainty of probable success of proposed replacement, projected losses of wetland functional value, or significant period of time

between elimination and replacement of wetland. Such required increases in replacement ratios will be made by the Department after review of all pertinent data relating to the proposed or committed alteration.

- D. The Department will allow the ratios to be decreased if the applicant provides findings of special studies coordinated with agencies with expertise which demonstrate to the satisfaction of the Department that no net loss of wetland function or value is attained under the decreased ratio.
- E. The replacement ratio may be decreased to a ratio of less than 1:1, if the following criteria are met:
 - 1. The applicant shows to the satisfaction of the Department that a replacement ratio of greater than 1:1 is either not feasible on-site, would be likely to result in substantial degradation of other natural features or results in an increase of wetland function and values; and
 - 2. The applicant submits to the Department a mitigation plan according to requirements of Section 18.08.160 which shows to the satisfaction of the Department that a net increase in wetland functional values will result from the mitigation; and
 - 3. The mitigation is completed and monitored by the Department for one year after completion of the mitigation. After one year the Department shall make a determination of whether or not the mitigation has been successful.
 - a. If the Department is satisfied that the mitigation will successfully meet the anticipated final outcome of the mitigation plan, development permits may be issued and development activity on the site may begin.
 - b. If the Department is not satisfied that the mitigation will successfully meet the anticipated final outcome of the mitigation plan, development permits shall not be issued and development activity on the site shall not begin. Modifications to the mitigation plan and further monitoring may be required

until the Department is satisfied that the mitigation will be successful.

F. In-kind compensation shall be provided except where the applicant can demonstrate to the satisfaction of the Department that:

1. The wetland system is already significantly degraded and out-of-kind replacement will result in a wetland with greater functional value; or
2. Scientific problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind compensation impossible; or
3. Out-of-kind replacement will best meet identified regional goals (e.g., replacement of historically diminished wetland types).
4. Where out-of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functional values.

G. Site specific quantifiable criteria shall be provided for evaluating whether or not the goals and objectives for the proposed compensation are being met. Such criteria include but are not limited to water quality standards, survival rates for planted vegetation, habitat diversity indices, species abundance or use patterns, hydrological standards including depths and durations of water patterns. Detailed performance standards for mitigation planning shall include the following criteria:

1. Use only plants indigenous to Pierce County (not introduced or foreign species);
2. Use plants appropriate to the depth of water at which they will be planted;
3. Use plants available from local sources;
4. Use plant species high in food and cover value for fish and wildlife;
5. Plant mostly perennial species;

6. Avoid committing significant areas of site to species that have questionable potential for successful establishment;
7. Plant selection must be approved by wetland scientist/ecologist;
8. Water depth is not to exceed 6.5 feet (2 meters);
9. The grade or slope that water flows through the wetland is not to exceed 6 percent;
10. Slopes within the wetland basin and the buffer zone should not be steeper than 3:1 (horizontal to vertical);
11. The substrate should consist of a minimum of one foot, in depth, of clean (uncontaminated with chemicals, or solid/hazardous wastes) inorganic/organic materials;
12. Planting densities and placement of plants shall be determined by a wetlands biologist/ecologist and shown on the design plans;
13. The wetland (excluding the buffer area) should not contain more than 60 percent open water as measured at the seasonal high water mark;
14. The planting plan must be approved by a wetland scientist/ecologist;
15. Stockpiling shall be confined to upland areas and contract specifications should limit stockpile durations to less than four weeks;
16. Planting instructions shall describe proper placement, diversity, and spacing of seeds, tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock;
17. Apply controlled release fertilizer at the time of planting and afterward only as plant conditions warrant (determined during the monitoring process), and only to the extent that the release would be conducted in an environmentally sound manner;

18. Install an irrigation system, if necessary, for initial establishment period;
19. Construction specifications and methods shall be approved by a wetland scientist/ecologist and the Department.
20. All mitigation shall be consistent with requirements of the City of Gig Harbor Flood Hazard Construction Ordinance and City of Gig Harbor Storm Drainage Comprehensive Plan
21. As appropriate, and if impacts to natural wetland functional values can be fully mitigated, capacity of the wetland to store surface water should be equal to or greater than surface water storage capacity prior to the proposed activity;
22. As appropriate, and if impacts to natural wetland functional values can be fully mitigated, ability of the wetland to intercept surface water runoff on the site should be equal to or greater than such ability prior to the proposed activity;
23. As appropriate, and if impacts to natural wetland functional values can be fully mitigated, the ability of the wetland to perform stormwater detention functions should be equal to or greater than such functions prior to the proposed activity;

H. Wetland mitigation shall occur according to the approved wetland mitigation plan, and shall be consistent with all provisions of this regulation.

I. On completion of construction required to mitigate for impacts to wetlands, the wetland mitigation project shall be signed off by an approved wetland scientist/ecologist and the County's Environmental Official. Signature will indicate that the construction has been completed as planned.

18.08.180 Monitoring Program and Contingency Plan.

- A. If the mitigation plan includes compensatory mitigation, a monitoring program shall be implemented to determine the success of the compensatory mitigation project.

- B. Specific criteria shall be provided for evaluating the mitigation proposal relative to the goals and objectives of the project and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.
- C. A contingency plan shall be established for compensation in the event that the mitigation project is inadequate or fails. A cash deposit, assignment of funds, or other acceptable security device is required for the duration of the monitoring period specified in the approved mitigation plan, to ensure the applicant's compliance with the terms of the mitigation agreement. The amount of the security device shall equal 125 percent of the cost of the mitigation project.
- D. Requirements of the monitoring program and contingency plan are as follows:
 - 1. During monitoring, use scientific procedures for establishing the success or failure of the project.
 - 2. For vegetation determinations, permanent sampling points shall be established.
 - 3. Vegetative success equals 80 percent per year survival of planted trees and shrubs and 80 percent per year cover of desirable understory or emergent species.
 - 4. Submit monitoring reports of the current status of the mitigation project to the Department. The reports are to be prepared by a wetland biologist/ecologist and shall include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation, and shall be produced on the following schedule:
 - a. At time of construction.
 - b. 30 days after planting.

- c. Early in the growing season of the first year.
- d. End of the growing season of first year.
- e. Twice the second year.
- f. Annually.

5. Monitor a minimum of three and up to ten growing seasons, depending on the complexity of the wetland system. The time period will be determined and specified in writing prior to the implementation of the site plan.
6. If necessary, correct for failures in the mitigation project.
7. Replace dead or undesirable vegetation with appropriate plantings.
8. Repair damages caused by erosion, settling, or other geomorphological processes.
9. Redesign mitigation project (if necessary) and implement the new design.
10. Correction procedures shall be approved by a wetlands biologist/ecologist and the Pierce County Environmental Official.

18.08.190 Reconsideration and Appeal Procedure.

Requests for Reconsideration and Appeals of a decision issued pursuant to this Chapter shall be considered by the City of Gig Harbor according to procedures described in Section 17.10.40 of the City of Gig Harbor Zoning Code.

18.08.200 Variances.

- A. Wetland Variance Applications shall be considered by the City according to Variance procedures described in Section 17.66 of the City of Gig Harbor Zoning Code, except that required showings for a Wetland Variance shall be according to this Section (18.08.220.B.1.).
- B. Wetland Variance Application: The Examiner shall have the authority to grant a Wetland Variance from the provisions of

this Chapter, including variance for buffer widths, when, in the opinion of the Examiner, the conditions as set forth below have been found to exist. In such cases a Wetland Variance may be granted which is in harmony with the general purpose and intent of this Chapter.

1. Required showings for a Wetland Variance: Before any Wetland Variance may be granted, it shall be shown:
 - a. That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to other properties and which support the granting of a variance from the buffer width requirements; and
 - b. That such Wetland Variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of this ordinance is denied to the property in question; and
 - c. That the granting of such Wetland Variance will not be materially detrimental to the public welfare; and
2. Required showings for wetland buffer area variance. Before any wetland buffer area variance may be granted, it shall be shown:
 - a. Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of this regulation is denied to the property in question; and
 - b. The granting of such buffer width variance will not be materially detrimental to the public welfare; and
 - c. The granting of the buffer width variance will not materially affect the subject wetland.
3. When granting a Wetland Variance, the Examiner shall determine that the circumstances do exist as required by this Section, and attach specific conditions to the Wetland Variance which will serve to accomplish the

standards, criteria, and policies established by this Chapter.

4. To apply for a Wetland Variance the applicant shall submit to the City a complete Wetland Variance Application. Such application shall be submitted subsequent to the Department's rating of the wetland as part of its review of a Wetland Application. The Variance Application shall include a site plan, pertinent information, a cover letter addressing the required showings for a variance, and appropriate fees. City review of the variance application shall follow the same public hearing process as that for an appeal of a decision of the Department on a Wetland Application.

18.08.210 Suspension and Revocation.

In addition to other penalties provided for elsewhere, the Department may suspend or revoke an approval if it finds that the applicant has not complied with any or all of the conditions or limitations set forth in the approval, has exceeded the scope of work set forth in the approval, or has failed to undertake the project in the manner set forth in the approved application.

18.08.220 Enforcement.

- A. The Department shall have authority to enforce this Chapter, any rule or regulation adopted, and any permit, order or approval issued pursuant to this Chapter, against any violation or threatened violation thereof. The Department is authorized to issue violation notices and administrative orders, levy fines, and/or institute legal actions in court. Recourse to any single remedy shall not preclude recourse to any of the other remedies. Each violation of this Chapter, or any rule or regulation adopted, or any permit, permit condition, approval or order issued pursuant to this Chapter, shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense. All costs, fees, and expenses in connection with enforcement actions may be recovered as damages against the violator.
- B. Enforcement actions shall include civil penalties, administrative orders and actions for damages and restoration.

1. The Department may bring appropriate actions at law or equity, including actions for injunctive relief, to ensure that no uses are made of regulated wetlands or their buffers which are inconsistent with this chapter or an applicable wetlands protection program.
2. The Department may serve upon a person a cease and desist order if an activity being undertaken on regulated wetlands or its buffer is in violation of this Chapter. Whenever any person violates this Chapter or any approval issued to implement this Chapter, the Department Director may issue an order reasonably appropriate to cease such violation and to mitigate any environmental damage resulting therefrom. The order shall set forth and contain the following:
 - a. A description of the specific nature, extent and time of violation and the damage or potential damage.
 - b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty may be issued with the order.
 - c. Effective date: The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.
 - d. Compliance: Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.
3. Any person who undertakes any activity within a regulated wetland or its buffer without first obtaining an approval required by this Chapter, except as specifically exempted, or any person who violates one or more conditions of any approval required by this Chapter or of any cease and desist order issued pursuant to this Chapter shall incur a penalty allowed per violation. In the case of a continuing violation, each permit violation and each day of activity without a required approval shall be a separate and distinct violation. The civil penalty shall be assessed at a

rate of two hundred fifty dollars per day per violation. The penalty provided shall be appealable to the City of Gig Harbor Hearing Examiner in accordance with the procedures established pursuant to Section 15.06 of the Gig Harbor Municipal Code.

4. Aiding or abetting: Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the penalty.
5. Notice of penalty: Civil penalties imposed under this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the Department. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.
6. Application for remission or mitigation: Any person incurring a penalty may apply in writing within thirty days of receipt of the penalty to the Department for remission or mitigation of such penalty. Upon receipt of the application, the Department may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.
7. Orders and penalties issued pursuant to this section may be appealed as provided for by this chapter.

18.08.230 Designated Wetlands.

- A. Pursuant to WAC 197-11-908, the City of Gig Harbor designates the following wetland areas as environmentally sensitive areas:
 1. Areas designated on the Pierce County Wetland Atlas of 1990.
 2. Areas that meet the definition of wetlands found in this ordinance.

18.08.240 Non-Conforming Uses.

An established use of existing structure that was lawfully permitted prior to adoption of this chapter, may continue subject to the following:

- A. Nonconforming uses shall not be expanded or changed in any way that increases their nonconformity. However, an existing use may be changed to a less intensive use provided all other zoning and land use regulations are met;
- B. Existing structures shall not be expanded or altered in any manner which will increase the nonconformity;
- C. Activities or uses which are discontinued for twelve (12) consecutive months shall be allowed to resume only if they are in compliance with this chapter; and
- D. Nonconforming uses or structures destroyed by an act of God may be replaced or resumed.

18.08.250 Severability.

If any section, sentence, clause or phrase of this ordinance, or the statutes adopted herein by reference, 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.

18.08.260 Chapter and Ordinance Updates.

This Chapter and its related ordinance shall be reviewed by the City of Gig Harbor within two years of the effective date of this Chapter. The purpose of reviewing is to determine what amendments are appropriate to be made, and to establish a schedule for effecting those amendments.

Section 2 The following sections are hereby amended as follows:

Section 18.04.270 Environmentally sensitive areas. ~~(Reserved)~~ The following are adopted as environmentally sensitive areas, in

accordance with WAC 197-11-908:

A. Wetlands identified pursuant to:

1. The Pierce County Wetland Atlas, 1990.
2. The United States Fish and Wildlife Wetland Inventory Maps for the Gig Harbor Peninsula, 1987.
3. The United States Department of Agriculture Soil Survey for Pierce County (1982).
4. The criteria for wetlands delineation as established pursuant to the Title 18.08 of the Gig Harbor Municipal Code.

Section 3

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 4

This ordinance shall take effect and be in full force five (5) days after publication. Upon completion of the mapping of wetlands within the current city boundary, this ordinance will be reviewed by the Planning Commission and City Council and revised as appropriate. The ordinance, in this current form, will expire by no later than June 15, 1992.

Wetland Ordinance
Page 39

Gretchen A. Wilbert
Gretchen A. Wilbert, Mayor

ATTEST:

Michael R. Wilson
Michael R. Wilson
City Administrator/Clerk

Filed with City Clerk: 9/19/91
Passed by City Council: 11/12/91
Date published: 11/20/91
Date effective: 11/25/91