

ORDINANCE NO. 1237

AN ORDINANCE relating to the protection of fish and wildlife habitat conservation areas, frequently flooded areas, aquifer recharge areas, geologic hazard areas, and wetlands; establishing ZMC Chapter 17.07, Critical Areas Protection; repealing ZMC 17.22.090 Critical Areas Management; providing for severability; and providing for an effective date.

WHEREAS, the State of Washington Growth Management Act of 1990 (36.70A RCW) amended in 1995 requires designation and protection of fish and wildlife habitat conservation areas, frequently flooded areas, geologic hazard areas, and wetlands (critical areas) through development regulations;

WHEREAS, the State of Washington Growth Management Act of 1990 (36.70A.172 RCW) amended in 1995 requires the City of Zillah to include best available science in designating and protecting these critical areas and in developing policies and development regulations to protect their functions and values, and to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries;

WHEREAS, the federal Clean Water Act requires the City of Zillah to protect waters of the United States; to protect water quality; and to provide related public education about the importance of clean water and healthy streams;

WHEREAS, the Endangered Species Act requires the City of Zillah to protect listed species and to prevent harm to any life stage of listed species, including harm to habitat functions;

WHEREAS, the City of Zillah's Comprehensive Plan commits to improving the City's ability to plan and manage growth to protect the environment, enhancing the livability and character of our neighborhoods, and providing for a range of retail and employment opportunities;

WHEREAS, the City of Zillah's Comprehensive Plan provides policy direction for protecting, sustaining, and providing for healthy and diverse ecosystem; promoting and facilitating ecosystem restoration and enhancement; coordinating environmental policies and programs and consolidating environmental regulations; protecting habitat for listed species and facilitating their recovery; protecting other species from becoming listed; enhancing and protecting water quality; promoting planting using native vegetation; managing development in geologically hazardous areas to protect public health and safety; and promoting sustainable public and private development practices and patterns;

WHEREAS, the new ZMC Chapter 17.07, provides the necessary regulations and standards for achieving the aforementioned goals and directions;

WHEREAS, the provisions of this Ordinance were prepared with early and continuous public involvement as required by the State of Washington Growth Management Act of 1990;

WHEREAS, the proposed text amendments have been subject to proper review through SEPA;

WHEREAS, the Planning Commission held a duly advertised public hearing to consider adoption of the Critical Areas Protection Ordinance on Tuesday, October 5, 2010;

WHEREAS, following the public hearing on Tuesday, October 5, 2010, the Planning Commission recommended adoption of the Critical Areas Ordinance;

WHEREAS, the City Council held a duly advertised public hearing on Monday, November 1, 2010, to consider adoption of the Critical Areas Protection Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ZILLAH:

Section 1. Findings. The City Council makes the following legislative findings:

1. The findings of the Staff Report and Recommendation to Planning Commission in this matter, Critical Areas Protection Ordinance ER 2010-07, dated Wednesday, September 29, 2010 for the public hearing scheduled for Tuesday, October 5, 2010 are hereby adopted and incorporated herein by reference.

2. The findings of Fact and Recommendation of the Zillah Planning Commission in this matter, Critical Areas Protection Ordinance ER 2010-07, dated October 19, 2010 are hereby adopted and incorporated herein by reference.

3. Best available science has been used to designate and protect fish and wildlife habitat conservation areas, frequently flooded areas, aquifer recharge areas, geologic hazard areas, and wetlands.

4. Special consideration has been given to conservation or protection measures necessary to preserve or enhance anadromous fisheries. The provisions of the Critical Areas Protection Ordinance will help to ensure good water quality, a fundamental requirement of anadromous fish.

5. The City provided avenues and opportunities for early and continuous public participation in the process to draft the proposed Critical Areas Protection Ordinance.

6. The proposed Critical Areas Protection Ordinance is consistent with the policies of the Comprehensive Plan.

8. The proposed Critical Areas Protection Ordinance is coordinated with federal, state, and local regulations and programs for protecting fish and wildlife habitat conservation areas, frequently flooded areas, geologic hazard areas, aquifer recharge areas, fish and wildlife habitat areas, wetlands and streams, flood hazards areas, and geologic hazards areas, and wetlands.

9. The proposed Critical Areas Protection Ordinance is consistent with the US Clean Water Act.

10. The proposed Critical Areas Protection Ordinance furthers the City's implementation of the Endangered Species Act.

Section 2. New ZMC Chapter 17.07 Critical Areas Protection, Established. ZMC Chapter 17.07, Critical Areas Protection is hereby established to read as follows: (See attached Exhibit A)

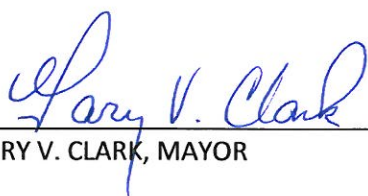
Section 3. Repeal of Section 17.22.090 of Exhibit A within Ordinance No. 1202: Section 17.22.090 of Exhibit A within Ordinance No. 1202 is hereby repealed and the provisions hereof shall govern the regulation of Critical Areas.

Section 4. Savings Clause. The portion of Title 17 which is repealed by this ordinance shall remain in force and effect until the effective date of this ordinance.

Section 5. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 6. Effective Date. This ordinance shall become effective on November 29, 2010.

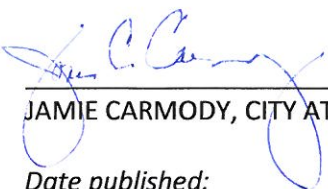
PASSED BY THE CITY COUNCIL FOR THE CITY OF ZILLAH, WASHINGTON, this 1st day of November 2010.


GARY V. CLARK, MAYOR

ATTEST:


SHARON BOUNDS, CITY CLERK/TREASURER

APPROVED AS TO FORM:


JAMIE CARMODY, CITY ATTORNEY

Date published:

Effective Date: