

ORDINANCE NUMBER 22-99

IN THE MATTER OF:

Enacting an amendment of Ordinance No. 131-98, which extended Ordinance No. 80-98, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, Mason County Resolution No. 113-97 was enacted as an interim measure to prohibit all new construction in the Skokomish River Valley where there was a threat to life and property due to a potential river avulsion, and the areas safe from such an avulsion had not been determined; and

WHEREAS, the Mason County Interim Resource Ordinance No. 77-93 was adopted on August 3, 1993, and has since been amended; and

WHEREAS, said ordinance was appealed to the Western Washington Growth Management Hearings Board as provided in the Growth Management Act; and

WHEREAS, said ordinance was found not to be in compliance with the Growth Management Act and remanded to Mason County for compliance by orders of the Growth Management Hearings Board, Case No. 95-2-0073; and

WHEREAS, Mason County has adopted recent amendments to the ordinance to bring it into compliance with the Growth Management Act, but the petitioners involved in the appeal continue to be concerned that the amendments do not fully comply with the Growth Management Act; and

WHEREAS, Mason County and the petitioners wish to resolve the remaining issues through discussions, if possible, but that in order to do this, the petitioners found that certain immediate actions should be implemented by the county to protect resources and critical areas during the period prior to resolution of the issues; and

WHEREAS, Mason County agreed to take those actions on an interim basis so that there was no dispute between the parties of the agreement that adequate regulations were in place to protect the resources and critical areas until further investigation and analysis can be completed, and took action by adopting Ordinance 23-98, and

WHEREAS, Ordinance 23-98 was extended and amended by Ordinance 68-98 and then extended and amended by Ordinance 80-98;

WHEREAS, said Ordinance 80-98 expired December 23, 1998 and was extended by Ordinance 131-98:

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby:

1) Extends and amends Resolution No. 113-97 for one year until December 16, 1999.

a) For the detailed study area:

(i) The "detailed study area" is defined as:

That area in the Skokomish River Valley within the 100 year flood plain and within the study area of the Skokomish River Comprehensive Flood Hazard Management Plan, dated February 1997, and as delineated on the Flood Insurance Rate Map 530115 0180D dated September 30, 1997, or as amended. A map delineating this area is attached hereto as "Exhibit A."

(ii) Within the detailed study area the following regulations shall apply:

(a) Construction of any new structure, as defined in Flood Damage Prevention Ordinance #59-91, shall not be allowed. Reconstruction shall be allowed pursuant to all applicable regulations and the following condition:

The area of the footprint of the structure following reconstruction shall be no greater than the areas of footprints prior to reconstruction. A footprint is defined as the total area of the first floor of a structure, regardless of how the structure is supported.

(b) Except that, new or reconstructed non-residential structures may be allowed in areas where the existing site elevation is no more than 2 feet below the base flood elevation, and provided that the site is not within the Zone 1A area established in the attached map, "Exhibit C."

b) For the upstream area.

(i) The "upstream area" is defined as:

The 100 year (Zone A) flood plain of Vance Creek and tributaries, and South Fork Skokomish River and tributaries within Sections 1, 2, 12, and 13, Township 21 N., Range 5 W, W.M., as delineated on Flood Insurance Rate Map 530115 0175 D dated September 30, 1997, or as amended, and the 100 year Zone A floodplain of the Skokomish River system as delineated on the Flood Insurance Rate Map 530115 0180 D lying upstream of the detailed study area. Maps delineating this area are attached hereto as "Exhibit A" and "Exhibit B."

(ii) Within the upstream area the following regulations apply:

The moratorium which was established by Resolution 113-97 and continued by

ordinance 23-98 is hereby continued, except that existing property owners as of the date of adoption of Ordinance 80-98 on July 14 1998, may construct or reconstruct a residential or non-residential structure which is at least 200 feet from the ordinary high water mark of a stream or river within the upstream area, provided that a report from an professional engineer with an hydraulic background has determined that the structure is not at risk from avulsions from the respective stream. The term "ordinary high water mark" shall be defined as provided in the Mason County Shorelines Master Program.

(iii) Within the upstream area no new subdivisions of land shall be allowed.

- 2) Extends Ordinance 23-98, which amends Mason County Ordinance No. 77-93 on an interim basis by deleting the words "in Management Areas" from section 17.01.110.D.2.f; and
- 3) Extends Ordinance 23-98, which amends Mason County Ordinance No. 77-93 on an interim basis by adding to section 17.01.110.D.2. the following subsection: "i. Clearing and construction is prohibited within the vegetation area for Water Types II, III, IV, and V; and clearing and construction is prohibited in Class I Management Areas within 100 feet of the Type I Waters. Provided, however, that work necessary for bank protection or for vegetation enhancement, including nonchemical noxious weed control, may be allowed as a permit required activity. For Class II Areas, a Mason Environmental Permit is required. For Class I Areas, either a Mason Environmental Permit or a Shoreline Substantial Development Permit is required. The provision for weed control shall not be construed as to permit land clearing. This subsection shall not apply to salt water bodies, including Hood Canal, or to lakes greater than 20 acres."


This Ordinance replaces Ordinance No. 131-98. These interim amendments shall expire on December 16, 1999.

DATED this 9th day of February, 1999.

Board of County Commissioners
Mason County, Washington


John A. Bolender, Commissioner

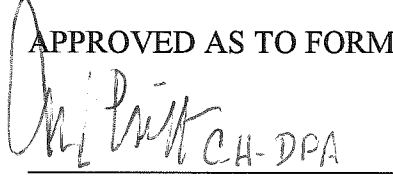

Mary Jo Cady, Commissioner


Cynthia D. Olsen, Commissioner

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


CH-DPA
Prosecuting Attorney