

**ORDINANCE NO. 63-97**

**IN THE MATTER OF:**

Enacting an interim measure which will establish an amendment to Ordinance No. 59-91, the Flood Damage Prevention Ordinance and Ordinance No. 40-97 which was adopted on April 22, 1997, per RCW 36.70A.390.

WHEREAS, on May 23, 1991 the Mason County Board of Commissioners adopted the Flood Damage Prevention Ordinance Number 59-91; and

WHEREAS, Mason County was reinstated into the National Flood Insurance Program upon adoption of Ordinance No. 59-91; and

WHEREAS, the ordinance is to promote the public health, safety, and general welfare, and to minimize public and private losses by regulating development in flood hazard areas of Mason County; and

WHEREAS, specific areas in the County of Mason are subject to periodic flooding from streams and rivers resulting in serious damages to properties within these areas; and

WHEREAS, in Ordinance No. 59-91 two sections were included as required for approval by the Federal Emergency Management Agency and Department of Ecology. These sections are:

Section 5.3 states; located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, provisions were included that apply except to that zone of special flood risk, Skokomish River Valley as defined in Section 2.0. The first provision (three provisions were included) in Section 5.3, points out that encroachments are prohibited including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Section 5.4; this section applies to that area of the Skokomish River Valley identified by the Federal Emergency Management Agency and sets forth Interim Regulations that shall apply to this area. These interim regulations shall be replaced using a comprehensive planning process which recognizes that role of diking in flood control management efforts. Interim shall be defined as that period of time between the adoption of this ordinance and the adoption of a Skokomish River Watershed Flood Control Comprehensive Plan and subsequent amendments to these regulations (nine provisions were included in this section). However, no requirement was included which provided for a certification by a registered professional engineer or architect wherein they would certify that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

WHEREAS, Mason County has completed and adopted a Skokomish River Comprehensive Flood Hazard Management Plan (Plan) and is currently developing an ordinance which will implement the contents of said Plan; and

WHEREAS, in the proposed ordinance, any development in the density floodway will have to comply with all floodproofing and elevation requirements set forth for all development in the floodplain. Fill, when used for elevation will need to comply with the following standards; (1) the fill shall not exceed 3 percent of the land area of that portion of the lot located in the density floodplain; (2) the maximum width (sum of widths) of all fill shall not exceed 17 percent of the length of the line drawn perpendicular to the known flood water flow direction at the point where the fill is located; and

WHEREAS, the proposed ordinance is not expected to be approved for approximately six months and therefore is not implementable at this time; and

WHEREAS, Mason County is currently receiving requests for the placement of fill material for the elevation of structures; and

WHEREAS, Mason County has no current means of determining if the placement of the fill will cause more than a 0.5 foot rise in the base flood elevation as set forth in the Plan; and

WHEREAS, the Board of County Commissioners, on April, 22, 1997 amended Ordinance No. 59-91 Sections 5.3 and 5.4 to include the following:

- \* SECTION 5.3 is amended to read: (1)-Encroachments are prohibited including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any **appreciable** increase in flood levels during the occurrence of the base flood discharge.
  
- \* SECTION 5.4 is amended to add: (10)-Fill for the elevation of structures shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the fill shall not result in any **appreciable** increase in flood levels during the occurrence of the base flood discharge.

WHEREAS, on June 17, 1997 the Board of County Commissioners held a Public Hearing pertaining to Ordinance 40-97 per RCW 36.70A.390; and

WHEREAS, during the Public Hearing, Department of Community Development staff recommended changes to Ordinance No. 40-97 which would eliminate the word appreciable from both Provision 1 of Section 5.3 and Provision 10 of Section 5.4.

IT IS HEREBY ORDAINED:

The Mason County Board of Commissioners herein amend Ordinance 59-91 and Ordinance 40-97 as follows: (the remainder of Ordinance 59-91 remains in full effect):

1. Provision #1 of Section 5.3 - Shall read as follows: Encroachments are prohibited including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  
2. Provision #10 of Section 5.4 - Is amended to read: Fill for the elevation of structures shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the fill shall not result in any increase in flood levels during the occurrence of the base flood discharge.

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This Ordinance will be in effect through October 22, 1997 (the six months allowed for in RCW 36.70A.390 began on the date Ordinance No. 40-97 was approved) or until the update of Ordinance 59-91 is completed and approved by the Board of County Commissioners (whichever comes first).

DATED this 17<sup>th</sup> day of June, 1997.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

Rebecca J Rogers  
Clerk of the Board

Mary Jo Cady  
Chairperson

APPROVED AS TO FORM:

Phil Whit, CHIEF DPA  
Prosecuting Attorney

Catherine Olson  
Commissioner

John Boland  
Commissioner