

ORDINANCE NUMBER 23 - 98

IN THE MATTER OF:

Enacting an extension to Resolution No. 113-97, and adopting an interim amendment to the Mason County Interim Resource Ordinance, Ordinance 77-93, as amended, 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 is a threat to life and property due to a potential river avulsion, and the areas safe from such an avulsion have not been determined at this time; and

WHEREAS, the Mason County Interim Resource Ordinance No. 77-93 was adopted on August 3, 1993, creating a new Chapter 17.01 in the Mason County Code, 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:

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

- 1) extends the effectiveness of Resolution No. 113-97 for three months, until June 23, 1998;
- 2) 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) 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. This subsection shall not apply to salt water bodies, including Hood Canal, or to lakes greater than 20 acres."

*amended on 3/3/98*

These interim amendments shall expire ~~after~~ June 23, 1998.

DATED this 3rd day of March, 1998.

Board of County Commissioners  
Mason County, Washington

*John A. Bolender*

John A. Bolender, Commissioner

*Mary Jo Cady*

Mary Jo Cady, Commissioner

*Cynthia D. Olsen*

Cynthia D. Olsen, Commissioner

ATTEST:

*Rebecca S Rogers*

Clerk of the Board

APPROVED AS TO FORM:

*Mike Pruitt*  
CHIEF DPA

Prosecuting Attorney