

ORDINANCE NUMBER 24 -05

INTERIM ORDINANCE AMENDING THE MASON COUNTY FLOOD DAMAGE PREVENTION ORDINANCE, CHAPTER 14.22, MASON COUNTY CODE.

WHEREAS, the Board finds that the Flood Damage Prevention Ordinance regulates development within the flood plain and Section 14.22.180 specifically regulates development within the Skokomish River Valley;

WHEREAS, the Board finds that critical environmental water quality conditions have been identified within the River, resulting in the adoption by the state Department of Ecology of the *Skokomish River Detailed Implementation Plan for Fecal Coliform Bacteria* that specifically recommended as one means to address the issue the farmers "Store manure in a manner that protects it from being carried into streams by rain water or flood events." (Page 4);

WHEREAS, the Board finds that the Skokomish River flows into the Hood Canal, which is at significant risk from and has had repeated events of low levels of dissolved oxygen that have caused a recurrent "dead zone" for many years;

WHEREAS, the Board finds that contributions to the dissolved oxygen problem are likely to include nitrogen from agricultural and other sources as documented in the May 2004 *Preliminary Assessment and Corrective Action Plan* published by the state Puget Sound action team and Hood Canal coordinating council;

WHEREAS, the Board finds that important opportunities to address these concerns and other water quality concerns may be lost as early as April 1, 2005, if the county fails to act immediately to remove regulatory constraints in the existing county ordinance and allow facilities to be build to contain and control livestock manure and other nitrogen contributing waste as requested by Rich Geiger of the Mason Conservation District in his letter dated February 7, 2005;

WHEREAS, the Board finds that Rich Geiger in his letter of February 7, 2005 identified that the Mason Conservation District "is currently working with several agricultural landowners in the Skokomish to encourage them to employ best management practices developed by the USDA Natural Resource Conservation Service (NRCS). By employing these practices, these landowners will protect water quality critical to correcting ongoing problems with shellfish habitat, endangered salmon habitat, and low dissolved oxygen in the Hood Canal.";

WHEREAS, the Board finds that the prohibition on any new or expanded structures in the Skokomish River flood plain prevent landowners from applying these best management practices and also from using Mason Conservation District, state, and Federal assistance

in addressing these water quality issues;

WHEREAS, the Board held a public hearing on March 22, 2005, to consider amendments to the flood damage protection ordinance to address these concerns;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF MASON COUNTY DO HEREBY ORDAIN as follows:

SECTION 1.

The Mason County Flood Damage Prevention Ordinance, Section 14.22.180, is amended as shown on ATTACHMENT A:

SECTION 2.

This amendment shall take effect immediately and remain in effect until September 16, 2005.

SECTION 3.

The Board will hold a public hearing on this interim ordinance to consider additional comments and changes to its provisions on Tuesday, May 17, 2005, at 9:30 A.M.

DATED this 22nd day of March, 2005.

Board of Commissioners
Mason County, Washington

<u>Absent</u>	<u>Lynda Ring Erickson</u>	<u>Jayni L. Kamin</u>
Tim Sheldon	Lynda Ring Erickson	Jayni L. Kamin, Chair

ATTEST:
Dawn Swiddy
Clerk of the Board

APPROVED AS TO FORM
[Signature]
Prosecuting Attorney

(14.22.180 MCC)

5.4-1 Special flood risk zone--Floodplain of the Skokomish River, Vance Creek and tributaries.

(a) A special flood risk zone is established for the Zones A and A2 floodplain of the Skokomish River, Vance Creek and tributaries, and is illustrated on FIRM map Community Panels #530115-0175D and # 530115-0180D, (both December 1998). The special flood risk zone is designated as a floodway and the entire floodway is designated an avulsion risk area. Construction of a new structure or an expansion of the square foot area of an existing structure is prohibited in this designated floodway.

(1) For purposes of this subsection, the term structure shall not include a gas or liquid storage tank.

(2) Notwithstanding the general prohibition of this subsection, agricultural structures may be permitted in the floodplain of the Skokomish River when they will be used to contain farm waste for the purpose of protecting water quality, and when a professional engineer registered in the State of Washington provides a professional opinion with supporting calculations that the structure (building, associated earthwork, etc.) is at minimal risk from potential avulsion, will not raise the base flood (100 year flood) level more than 0.0 feet at the location of the nearest human occupied structure or public road, and poses minimal risk to neighboring structures due to flood depths and flood velocities and other relevant factors.

(b)

(New language is underlined.)